

1 **Minutes 7/8/2014**

2  
3 **Selectboard Meeting**  
4 **July 8, 2014 at 12:00 p.m.**  
5 **Jericho Town Hall, 67 Vermont Route 15**  
6

7 **Members present:** Catherine McMains (Chair), Kim Mercer, Tim Nulty

8  
9 **Others present:** Jennifer Murray (Planning & Development Coordinator), Don Foote (Planning Commission  
10 Chair), Todd Odit, (Town Administrator), Connor Gallagher, Mary Lacey  
11

12 The meeting was called to order at 12:03 pm.  
13

14 **Public to be Heard**

15  
16 There was no public to be heard.  
17  
18

19 **On a Motion by Mr. Nulty, seconded by Ms. Mercer, the Selectboard moved to enter executive session, to**  
20 **include the Town Administrator, Planning Coordinator, and Planning Commission Chair, for the purpose of**  
21 **discussing a potential real estate purchase, the premature general public knowledge of would place the town**  
22 **at a substantial disadvantage. The motion passed 3-0 at 12:04 pm.**  
23  
24

25 **On a Motion by Mr. Nulty, seconded by Ms. Mercer, the Selectboard exited executive session at 12:54 pm. The**  
26 **motion passed 3-0.**  
27

28 **Mr. Nulty moved, and Ms. Mercer seconded the motion, to accept the existing agreement between the UJFD**  
29 **negotiating committee and the town of Jericho negotiating committee regarding the Rivers property which is**  
30 **the purchase of the property for \$1.24 million and subject to other agreed upon conditions. Pursuant to that**  
31 **agreement the Selectboard has considered a different proposal brought by the UJFD, and the Selectboard has**  
32 **decided not to pursue that proposal any further at this time because doing so requires engaging prematurely**  
33 **in what should be a public planning process. The motion passed 3-0.**  
34

35 **1. Approve FY15 Tax Rates**

36  
37 Mr. Odit explained that the total town tax rate, which consists of the general fund rate and the local agreement  
38 rate was increasing 2.5% from the previous year. That resulted in an increase of \$11.30 per \$100,000 of assessed  
39 value. Thus a house assessed at \$300,000 would see a town tax increase of \$33.90.  
40

41 **On a motion by Mr. Nulty, seconded by Ms. Mercer, the Selectboard approved a general fund tax rate of**  
42 **\$.4574 and a local agreement rate of \$0.126. The motion passed 3-0.**  
43

44 **Mr. Nulty left the meeting at 1:05 pm.**  
45

46 **Consider Festival Permit**

47  
48 Connor Gallagher and Mary Lacey explained that they were holding an event, called the Black Fly Collective Steer  
49 Roast on August 2, 2014 from 3:00pm-10:00pm, at 324 Browns Trace. The purpose of the event is to promote  
50 young artists in the area. The festival permit would allow serving alcohol at an event open to the public.

51 **On a motion by Ms. Mercer, seconded by Ms. McMains, the Selectboard approved the festival permit for the**  
52 **Black Fly Collective Steer Roast. The motion passed 2-0.**  
53

54 **Approve Official Agenda Posting Locations**  
55

56 Members discussed requirements of the changes to the open meeting law, which included having to designate  
57 official agenda posting locations. The members said that in addition to the official locations, that staff should also  
58 disseminate agendas through Front Porch Forum and the towns website.  
59

60 **On a motion by Ms. Mercer, seconded by Ms. McMains, the Selectboard approved the Jericho Post Office, the**  
61 **Jericho Center Country Store, and outside the Town Clerks office as official agenda posting locations. The**  
62 **motion passed 2-0.**  
63

64 **Discussion of Reappraisal RFP**  
65

66 Sandra Costes, Town Assessor, explained to the Selectboard the details of a town-wide reappraisal. She explained  
67 that if approved, the RFP would be advertised and then eventually the Selectboard would need to approve a  
68 contract. Mr. Odit explained that he was confident that the town had enough funds in reserve to cover the cost  
69 of the reappraisal.  
70

71 **On a motion by Ms. Mercer, seconded by Ms. McMains, the Selectboard approved the advertising of the RFP**  
72 **for a town-wide reappraisal. The motion passed 2-0.**  
73

74 **Homestead Late Filing Penalty Appeals**  
75

76 Mr. Odit stated that the issue was confirming the Selectboard as the body which hears appeals of the assessment  
77 of a penalty for filing a homestead declaration late.  
78

79 **On a motion by Ms. Mercer, seconded by Ms. McMains, the Selectboard approved being the body which hears**  
80 **appeals of the assessment of a late filing penalty. The motion passed 2-0.**  
81  
82

83 **Approve Minutes of 6/19/2014.**

84 Approval of the minutes was tabled to 7/17/14.  
85

86 **Other Business.**  
87

88 There was no other business.  
89

90 **Approve Warrants of 6/25/2014 & 6/30/14.**  
91

92 The Selectboard members signed the warrants.  
93

94 **On a motion by Ms. Mercer, seconded by Ms. McMains, the Selectboard adjourned at 1:41 p.m. The motion**  
95 **passed 2-0.**  
96

97 Respectfully Submitted, Todd Odit

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**Selectboard Meeting**  
**July 17, 2014 at 7:00 p.m.**  
**Jericho Town Hall, 67 Vermont Route 15**

**Members present:** Catherine McMains (Chair), Kim Mercer, Tim Nulty

**Others present:** Todd Odit (Town Administrator), Amy Richardson (Secretary), Jennifer Murray (Planning and Development Coordinator), Stuart Alexander, Brooks Buxton, Mike Charter, Brian Stevens, Bert Lindholm

The public hearing was called to order by Ms. McMains at 7:02 p.m.

**1. Public Comment.**

Mr. Charter said he had spoken with Mr. Odit and Ms. McMains regarding speeding on Ethan Allen Road. He stated it is ironic since the bridge is closed, there is a lot of traffic trying to figure out where to go. He discussed the matter further, noting it is a dead end road. Mr. Charter suggested adding signage and possibly reducing the speed limit, noting conversations he has had with law enforcement. He said he knew the Selectboard had planned to discuss speed limits in July. Ms. McMains stated the discussion was postponed because they are waiting for the overall transportation study.

Mr. Charter stated that speed tables similar to those on Skunk Hollow Road would be great in front of his house. The Selectboard and Mr. Charter discussed speeding concerns further. Mr. Nulty asked if the Vermont National Guard (VNG) had a view on this. Mr. Charter said he spoke with a representative from the VNG who said they have wanted a 25 mile per hour speed zone, noting that is what it is inside the gate.

Mr. Odit stated the problem is that the speed limit is set by a speed study, which would conclude a lower limit to be arbitrary and unenforceable. Mr. Nulty and Mr. Charter discussed the matter further. Mr. Nulty suggested opening a conversation with the VNG. Ms. McMains agreed, noting an exception in the statutes. Mr. Odit asked if the Selectboard chose to reduce the limit, how they would differentiate this request from other requests. Mr. Nulty stated it is not a through road. The Selectboard discussed the matter further.

Ms. McMains suggested installing a "no outlet" sign to start with. Mr. Odit agreed. Mr. Charter discussed traffic on the road. Mr. Odit said unless there were some problems, the bridge should open again next week. Mr. Nulty asked Mr. Odit to contact the VNG for a conversation and to proceed with a "no outlet" sign. Ms. McMains and Ms. Mercer agreed. The Selectboard discussed the matter further and thanked Mr. Charter for his comments.

**2. Review of Proposed Land Use and Development Regulation Amendments.**

Ms. Murray referred to the memo dated April 15, 2014 regarding proposed amendments to the Land Use and Development Regulations. She distributed copies of the memo to those in attendance. She discussed the process for adoption, including what has already occurred and the next steps. Ms. Murray discussed the changes the Jericho Planning Commission (JPC) made, including the following:

- Definitions, including definitions added;
- Additions and revisions to the Table of Uses;
- Permanent signs in the Commercial District;
- Permit and review procedures;
- Certificates of Occupancy;
- Added things that a PUD shall minimize impact to; and
- Open space percentages by districts.

50 Ms. McMains clarified whether there is no open space required in the Commercial District. Ms. Murray said the  
51 JPC decided to waive that requirement in the Commercial District. Ms. McMains said there should be significant  
52 landscaping requirements or some mitigation to ensure there is not just asphalt and a building. Mr. Nulty said he  
53 was under the impression that a full review of the Commercial District is occurring. He asked if this is it. Ms.  
54 Murray answered no, noting that the review is underway. Ms. McMains clarified this is not impacted by what  
55 they are working on now. Ms. Murray said she doesn't think so, noting they are trying to make the most efficient  
56 use of land in the Commercial District and discussed an example.

57  
58 Mr. Odit stated there are still lot coverage maximums. Mr. Nulty asked how they square with this. Ms. Murray  
59 explained. The Selectboard and Ms. Murray discussed the difference between landscaped space and open  
60 space. Ms. Murray said we could always end up changing or revising these next year. Mr. Nulty said form-based  
61 code would override this. Ms. McMains noted that design standards are another option. Ms. Murray said the  
62 main thrust of these PUD changes are to address the fact that we are losing so much open space in the  
63 Agricultural District, which is not what our Town Plan says should be happening. She said we need to make sure  
64 when people are developing in Agricultural District, that we are getting the most bang for our buck. Ms.  
65 McMains stated that studies have shown that Jericho has a significant habitat we need to protect. The  
66 Selectboard discussed the next steps.

67  
68 Mr. Lindholm asked whether there would be a requirement to review changes to a driveway located on an  
69 existing lot. He discussed an example where the State approved a permit for a new driveway, asking if the Town  
70 would review the change. Ms. McMains asked if the Development Review Board (DRB) saw the plan. Mr.  
71 Lindholm discussed the example further, noting the DRB didn't address it. He noted the zoning regulations  
72 indicate there is a review by the Selectboard. Mr. Odit stated the Selectboard delegated that to the Road  
73 Foreman to judge the culvert size and the sight distances. The Selectboard, Mr. Odit, and Mr. Lindholm discussed  
74 the matter further. Ms. McMains noted standards were adopted by the Selectboard. Mr. Odit and Ms. McMains  
75 said the example would be under the Zoning Administrators review.

76  
77 Mr. Stevens asked whether the new changes, in red, are the changes made to the April 15<sup>th</sup> submittal. Ms.  
78 Murray said yes, anything in red is new. Ms. McMains clarified the red information is what the JPC public hearing  
79 was based on. She discussed the process going forward. Mr. Stevens said he was comparing to an older version.  
80 He asked what regulations are followed in the interim. Mr. Odit stated that once the Selectboard warns a public  
81 hearing, any new proposal would need to be reviewed under both and the strictest section would apply.

82  
83 Ms. Murray continued to discuss the amendments, including:

- 84 • Density bonuses;
- 85 • Affordable and senior housing;
- 86 • Energy efficiency standards;
- 87 • PUD design and layout;
- 88 • General development standards;
- 89 • Public Works Specifications for driveways and roads; and
- 90 • Outdoor lighting.

91  
92 The Selectboard and Ms. Murray discussed the changes. Mr. Alexander asked about the public process. Ms.  
93 McMains discussed the hearing process, noting this is a discussion not a public hearing. Mr. Alexander asked  
94 about requiring parking in the rear in the Commercial District. Ms. Murray said that is something we need to  
95 think about in the future. Mr. Alexander stated there is already a provision that requires it in the Village Center  
96 District. He said he hoped there will be consideration to make it required in the Commercial District, noting it  
97 ought to be in the rear as viewed from Route 15. Mr. Nulty agreed that is the meaning. Ms. McMains noted that  
98 is why design standards would be good. She discussed conversations with the JPC about development.

99 Ms. McMains asked about LED message boards. Ms. Murray discussed the regulations and conversations that  
100 the JPC has had regarding the matter. She also discussed some of the history about LED message boards. She  
101 said the question is whether we want LED message boards in Town; and how we define them and internally lit  
102 signs. Ms. Murray discussed the implications of leaving the regulations the way it is now. The Selectboard, Mr.  
103 Odit, and Ms. Murray discussed the matter further, including the JPC's view and the precedent set by the DRB's  
104 decision.

105  
106 Mr. Odit said the question for this round is whether you want to continue to allow them in the Commercial  
107 District with some specific standards, or not to allow them at all. The Selectboard members discussed their  
108 feelings and whether the State has an impact or jurisdiction. Ms. Murray stated that at the JPC hearing a  
109 comment was raised by a member of the public who felt like this is too big of an issue to deal with in a short  
110 timeframe. Ms. Murray and the Selectboard discussed the matter further.

111  
112 Mr. Odit stated the question is whether move forward with the other regulation amendments without this item.  
113 Ms. Murray said then there is no way of regulating an LED sign. She gave her opinion about how to proceed.  
114 The Selectboard agreed to take action to close the loophole and ask the JPC to come to them with their  
115 recommendation. The Selectboard discussed the matter further with Ms. Murray, including examples.

116  
117 On a **motion** by Mr. Nulty, seconded by Ms. Mercer, **the Selectboard approved modifying the proposed Land**  
118 **Use and Development Regulations amendments proposed by the JPC by adding a definition of an internally lit**  
119 **sign, which specifically excludes LED message boards or neon signs.** The motion passed 3-0.

120  
121 The Selectboard asked that the JPC meet with them to discuss the sign issue further. Ms. McMains noted the  
122 next meeting would be a joint meeting with the JPC about the form-based code. She asked whether there  
123 should be one big public package for the zoning changes, or two separate. Mr. Odit suggested keeping them  
124 separate. The Selectboard and Mr. Odit discussed the matter further. The Selectboard and others present  
125 discussed signs in the Commercial District.

126  
127 **3. Meet with Cemetery Commissioners.**

128 Mr. Lindholm stated the three of them are here personally because a meeting as Cemetery Commissioners would  
129 require a warning. Ms. McMains said the Selectboard is thankful they accepted the job and that they are  
130 prepared to move forward. Mr. Lindholm asked how they will operate and spend money. The Selectboard  
131 agreed any requests should go through Mr. Odit to them. They discussed the process. Mr. Lindholm asked about  
132 warnings and minutes of meetings. The Selectboard and Mr. Odit discussed the process and timing for both.

133  
134 Mr. Buxton said the first meeting would be held at the Town Offices to make it more accessible. Ms. McMains  
135 agreed, noting the new State emphasis on open meeting requirements. She said the Selectboard provides  
136 extensive minutes because people rely on them. Mr. Nulty noted they are informational. Mr. Odit suggested  
137 they identify a regular meeting date, noting the room is generally available during the day. Mr. Nulty said he is  
138 under the impression that there are three cemeteries in Town. Mr. Lindholm stated there are four. The  
139 Selectboard, Mr. Buxton, Mr. Lindholm, and Mr. Alexander discussed the cemeteries in Town, including locations,  
140 ownership, and lot availability.

141  
142 Mr. Alexander said he would like to know more about the status quo, arrangements for mowing, etc. Mr. Buxton  
143 stated the Highway Department has been looking after the Castle Cemetery. Ms. McMains said part of the  
144 charge is to see what needs to be done. Mr. Lindholm said the other big question is access to Castle Cemetery.  
145 He noted discussions involving the Church and/or Mr. Villeneuve about removing some trees and putting in  
146 access. Mr. Buxton stated the access is a Town problem, which has nothing to do with Mr. Villeneuve. He said it  
147 has to be approved by Planning, Zoning, and the Selectboard. Mr. Odit responded the matter would be between  
148 the Commissioners and the Church because there is deeded access across the Church property. Ms. McMains

149 said the Town would rely on the Commissioners to do the research and make a recommendation. Mr. Odit  
150 stated there is an undefined right of access that should be defined. The Selectboard and those present discussed  
151 access further.

152

153 Ms. McMains said she appreciates them all volunteering, it is an important function. Mr. Lindholm asked if the  
154 Castle Cemetery boundaries were ever resolved. Mr. Odit said yes. Mr. Lindholm asked about a deed. Mr. Odit  
155 responded there was a survey filed and the corners were marked. Mr. Lindholm said they will want a copy of it.  
156 Mr. Odit agreed. The Selectboard discussed the matter further.

157

158 **4. Review Drug and Alcohol Policy for Commercial Motor Vehicle Operators.**

159 Mr. Odit said the policy the Selectboard reviewed a few months ago included a zero tolerance policy for a  
160 positive result. He said he followed up with the Vermont League of Cities and Towns, changing the policy so that  
161 if someone has a positive result and they are an employee, they are put on paid leave while the Town consults  
162 with an attorney. The Selectboard and Mr. Odit discussed the matter further. Mr. Odit stated if there is a positive  
163 result during a pre-employment screening, the offer would be rescinded. Ms. McMains agreed. Mr. Odit said if  
164 the Selectboard is okay with the policy, he will share it with the Highway Department and come back for formal  
165 adoption. The Selectboard agreed. Ms. Mercer asked how the information would be relayed to the Highway  
166 Department. Mr. Odit discussed the matter.

167

168 **5. Fiscal Year 2014 (FY14) End of Year Transfers.**

169 Mr. Odit said, preliminarily, the Town ended the fiscal year with a positive fund balance, noting that is pretty  
170 extraordinary with the amount of projects and storm damage. He proposed the following transfers:

171

	GL	Transfers	Transfers	
	Balance	Proposed to	Proposed to	Ending
	<u>6/30/2014</u>	<u>General Fund</u>	<u>Reserves</u>	<u>Balance</u>
175 Sidewalk and Path Fund	\$ 93,602	\$3,988	\$ 0	\$ 89,614
176 Record Restoration Fund	\$130,693	\$ 854	\$ 0	\$129,839
177 Equipment Fund	\$121,375	\$ 0	\$23,953	\$145,328
178 Reappraisal Reserve	\$152,647	\$ 0	\$17,544	\$170,191
179 Bridge Replacement	\$138,886	\$ 0	\$70,000	\$208,886
180 Land Improvement	\$ 71,432	\$ 0	\$ 1,500	\$ 72,932
181 Stormwater	\$ 18,813	\$ 0	\$ 1,500	\$ 20,313
182 Road Upgrade	\$239,097	\$6,746	\$ 0	\$207,351
183 Recreation Impact Fees	\$ 14,983	\$ 0	\$ 0	\$ 7,483
184 Road Impact Fees	\$111,353	\$ 0	\$ 0	\$111,353
185 Buildings and Property	\$ 50,037	\$ 0	\$ 0	\$ 50,037
186 Capital Projects	\$ 30,022	\$ 0	\$ 0	\$ 30,022
187				
188 Total	\$1,172,940	\$11,588	\$114,497	\$1,243,349

189

190 The Selectboard and Mr. Odit discussed the transfers and the reasoning. Mr. Odit gave an update on the bridge  
191 project on Browns Trace Road, noting it is slightly over the bid price due to more deterioration. He responded to  
192 questions from Mr. Nulty about the bids submitted. The Selectboard discussed the matter further with Mr. Odit.

193

194 On a **motion** by Mr. Nulty, seconded by Ms. Mercer, **the Selectboard approved FY14 end of year transfers as**  
195 **presented, based on the spreadsheet dated 7/14/2014.** The motion passed 3-0.

196

197 **6. Approve Minutes of 6/19/2014 and 7/8/2014.**  
198 On a **motion** by Mr. Nulty, seconded by Ms. Mercer, **the Selectboard approved the minutes of 6/19/2014 as**  
199 **amended.** The motion passed 3-0. On a **motion** by Ms. Mercer, seconded by Mr. Nulty, **the Selectboard**  
200 **approved the minutes of 7/8/2014 as written.** The motion passed 3-0.  
201  
202 **7. Other Business.**  
203 The Selectboard and Mr. Odit discussed the upcoming meeting schedule and logistics. They agreed the August  
204 7<sup>th</sup> meeting would need to be rescheduled. Ms. Mercer asked about the pedestrian bridge. Mr. Odit stated  
205 work would start on Monday. The Selectboard and Mr. Odit discussed the matter further.  
206  
207 **8. Approve Warrants of 6/19/2014, 7/8/2014 and 7/11/2014.**  
208 The Selectboard members signed the warrants.  
209  
210 On a **motion** by Mr. Nulty, seconded by Ms. Mercer, **the Selectboard entered Executive Session at 8:36 p.m.** The  
211 motion passed 3-0.  
212  
213 On a **motion** by Mr. Nulty, seconded by Ms. Mercer, **the Selectboard exited Executive Session at 9:37 p.m.** The  
214 motion passed 3-0.  
215  
216 On a **motion** by Mr. Nulty, seconded by Ms. Mercer, **the Selectboard adjourned at 9:38 p.m.** The motion passed  
217 3-0.  
218  
219 Respectfully Submitted, Amy Richardson

1 Minutes 7/28/2014

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3 Selectboard Meeting  
4 July 28, 2014 at 12:00 p.m.  
5 Jericho Town Hall, 67 Vermont Route 15  
6

7 **Members present:** Catherine McMains (Chair), Kim Mercer, Tim Nulty

8  
9 **Others present:** Don Foote (Planning Commission Chair), Todd Odit

10  
11 The meeting was called to order at 10:00 pm.

12  
13 **Public to be Heard**

14  
15 There was no public to be heard.

16  
17  
18 **On a Motion by Mr. Nulty, seconded by Ms. Mercer, the Selectboard moved to enter executive session, to**  
19 **include the Town Administrator, and Planning Commission Chair, for the purpose of discussing a potential real**  
20 **estate purchase, the premature general public knowledge of would place the town at a substantial**  
21 **disadvantage. The motion passed 3-0 at 10:01 am.**

22  
23  
24 **On a Motion by Mr. Nulty, seconded by Ms. Mercer, the Selectboard exited executive session at 6:59 pm on**  
25 **August 5. The motion passed 3-0.**

26  
27 **On a Motion by Mr. Nulty, seconded by Ms. Mercer, the Selectboard adjourned the meeting at 6:59 pm on**  
28 **August 5, 2014. The motion passed 3-0.**

29  
30  
31 Respectfully Submitted, Todd Odit

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38  
39  
40  
41 Approved 8/21/14



2  
3 **Selectboard Meeting**  
4 **August 5, 2014 at 7:00 p.m.**  
5 **Jericho Town Hall, 67 Vermont Route 15**  
6

7 **Members present:** Catherine McMains (Chair), Tim Nulty, Kim Mercer (via Facetime)

8 **Planning Commission Members present:** Phyl Newbeck, Peter Booth, Jon Willard, Samantha Dunn

9 **Others present:** Todd Odit (Town Administrator), Jennifer Murray (Planning & Development Coordinator), Jessica  
10 Alexander (Town Clerk), David Villeneuve, Brenda Villeneuve, Susan Bresee, Roger Putzel

11  
12 The public hearing was called to order by Ms. McMains at 7:02 p.m.

13  
14 **1. Welcome Planning Commission and Introductions.**

15 Ms. Murray introduced Brian Wright from Town Planning and Urban Design Collaborative who will be giving a  
16 presentation about Form-based Code for Jericho.

17  
18 **2. Public Presentation by Town Planning and Urban Design Collaborative (TPUDC) of the Proposed Form-  
19 Based Code for Riverside.**

20 Mr. Wright gave the presentation about Form-based Code for Riverside, discussing the following:

- 21 • The various stages of the process;
- 22 • How the code could be integrated into the current regulations;
- 23 • Design, look, feel, and uses;
- 24 • Examples of communities;
- 25 • The vision;
- 26 • The possibility of a future streets plan;
- 27 • The big picture design;
- 28 • Importance of parking; and
- 29 • Architecture standards.

30  
31 Ms. Newbeck said she thinks this is way too detailed. She expressed concern about requiring everything to look  
32 a certain way. Mr. Wright discussed the language, noting a typo in the materials. He said that is a legitimate  
33 concern and it is for the Town to decide. He discussed examples of tourist areas, noting lessons to be learned.  
34 Mr. Wright also discussed rear yard. Ms. Newbeck noted that common yard is not allowed. Mr. Wright explained  
35 that common yard is a frontage type, discussing the meaning. He said it defines the public, private transition.

36  
37 Mr. Booth said the concerns noted are things he was expecting, saying he expected specificity. He said the code  
38 turns the primary focus from the use to the character and he doesn't have the same concerns. He, Mr. Wright  
39 and Ms. Newbeck discussed color limitations. Ms. McMains said this is what people seem to want, noting  
40 people are tired of what Route 15 looks like. She stated there were a number of people at the Planapalooza who  
41 wanted this kind of stuff.

42  
43 Mr. Nulty said we all know more or less what we want; the question is how specific you have to be to get that.  
44 He said he had the same initial response as Ms. Newbeck, but then thought about what it takes to get something  
45 with that character and began to see this is what it takes. He discussed an example of a homeowners  
46 association, noting the code is not that rigorous. Mr. Nulty said there was a hearing recently about a  
47 controversial building on Route 15 and the Development Review Board (DRB) Chair made the legitimate point  
48 that the rules we currently have are not sufficiently specific, so if we don't like them, then we need to change  
49 them. He stated the DRB is not the policy making body.

50 Mr. Wright said uncertainty is the enemy of economic development activity. He discussed an example, stating  
51 the key is the range to allow flexibility and creativity so it is not rigid. Ms. Newbeck asked why solar panels could  
52 not be visible from the frontage. Mr. Wright discussed the reasoning. Mr. Nulty said there are some people who  
53 think they are neat because of what they symbolize, noting they do not have a negative connotation. Mr. Wright  
54 advised that if you are going to allow it to be visible, do the whole roof edge to edge. He discussed an example.  
55

56 Ms. Dunn asked about how the aesthetic standards are implemented with changes to existing properties. Mr.  
57 Wright discussed how other towns have handled those situations. He discussed the matter further with those  
58 present. Mr. Nulty agreed with the point that it is one thing to set standards to apply to new construction and  
59 another to micromanage what people do with their existing property. He discussed his point of view in  
60 approaching these matters.  
61

62 Mr. Wright clarified that these are a set of standards for the Town to consider that will make sure that things are  
63 really great. He discussed his frustrations when towns dismantle these documents and result in poorly designed  
64 areas. He continued to discuss the matter further with those present. Those present discussed examples, good  
65 and bad. They also discussed how to focus on what is most important. Ms. Dunn clarified that we don't want to  
66 prescribe things that we don't want to regulate. She said she raised the question to make the point that those  
67 things we don't want to regulate shouldn't be included. The discussion continued about what is important to  
68 keep in and what could be removed. The consensus was to have TPUDC provide some sample language and  
69 options to address the concerns raised. Ms. Dunn suggested that the Planning Commission spend some time  
70 discussing the matter and submit a list of questions and/or concerns from the committee, rather than from  
71 individuals.  
72

73 Ms. Mercer asked Mr. Wright to discuss how developers look at a code like this and the comment he made that  
74 this is a gift to them. Mr. Wright discussed the benefits of the code, including higher property values, faster  
75 absorption rates, predictability, and unique development opportunities. He discussed some examples. The  
76 discussion continued, including benefits and how the code could be changed over time. Mr. Wright asked  
77 everyone to keep in mind both sides as they review the document. He discussed their approach and  
78 considerations throughout the process.  
79

80 Ms. Bresee asked if all new construction is underground power. Ms. McMains responded that current zoning is,  
81 so this would be also. Ms. Bresee discussed concerns about the pedestrian experience in the large parking lot in  
82 the center. A discussion of the parking lot configuration commenced. Ms. Bresee asked if the expectation about  
83 electricity is that it will be each individual building's responsibility. She asked if part of the lot should be  
84 community solar to support all of the buildings in the development. Mr. Wright said that is not something in the  
85 code, but the Town could allow a developer to do that. He discussed an example.  
86

87 Ms. Bresee asked about septic. Mr. Wright discussed what is envisioned. A discussion of septic ensued. Ms.  
88 Bresee agreed with earlier comments that it would be better to try the more strict iteration, and address  
89 problems in future revisions. She said she would rather see a stricter code, with things we can live with, and  
90 relax them as we go forward. She stated it is a wonderful opportunity, not legislating taste, but looking at  
91 architectural principals and applying them to today's standards. There was a discussion of standards and their  
92 impact.  
93

94 Mr. Putzel stated he does not see much traffic change, which could spell ruin for walkability. Mr. Wright said  
95 there is nothing regarding traffic, except that it is required to have an interconnected network of streets with one  
96 way in and one way out. He discussed changes that will relieve pressure and improve pedestrian access. Those  
97 present discussed traffic and pedestrian access. They also discussed how to proceed with the consultant,  
98 including examples of how other areas have approached implementation. Ms. Murray noted that most of the  
99 zoning violations are resolved with letters or phone calls.

100 Ms. Mercer agreed that the Planning Commission should identify concerns or problems. She discussed her  
101 experience with design. Ms. Newbeck clarified her thoughts on changes that might be made. She said there is a  
102 difference between what we like and requiring every building to look like that. Mr. Wright stated the code does  
103 not require that, there are options and ways for developers to express themselves. He said nothing in the code is  
104 arbitrary, it was customized for Jericho and what is appropriate here. He stated it would be good to ask why if  
105 you are deciding to cut something during the review process.  
106  
107 Those present discussed the matter further. Ms. Mercer left the meeting. Mr. Nulty asked what the next step is.  
108 Mr. Odit responded that the Selectboard can attend the next Planning Commission meeting to discuss it further.  
109  
110 On a motion by Mr. Nulty, seconded by Ms. McMains, **the Selectboard entered Executive Session at 8:35 p.m.**  
111 The motion passed 2-0.  
112  
113 On a motion by Mr. Nulty, seconded by Ms. McMains, **the Selectboard exited Executive Session at 9:37 p.m.**  
114 The motion passed 2-0.  
115  
116 On a **motion** by Mr. Nulty, seconded by Ms. McMains, **the Selectboard adjourned at 9:37 p.m.** The motion  
117 passed 2-0.  
118  
119 Respectfully Submitted,  
120 Amy Richardson

2  
3 **Selectboard Meeting**  
4 **August 21, 2014 at 7:00 p.m.**  
5 **Jericho Town Hall, 67 Vermont Route 15**  
6

7 **Members present:** Catherine McMains (Chair), Tim Nulty, Kim Mercer  
8

9 **Others present:** Todd Odit (Town Administrator), Amy Richardson (Secretary), Sandra Costes, David Villeneuve,  
10 Richard Kemmer, Nancy Shamp, Brian Clark, Mike Charter, Kathy Charter, Michael Charter, Susan Kasser, Deb  
11 Barewicz  
12

13 The public hearing was called to order by Ms. McMains at 7:01 p.m.  
14

15 **1. Public Comment.**

16 Mr. Kemmer stated he wanted to bring closure to the matter of the permit for an LED sign at Mt. Mansfield  
17 Union High School. He discussed the steps taken, noting he prevailed in the appeal. He requested a refund of  
18 the fee paid to file the appeal. Mr. Odit stated he authorized the check on Tuesday. Mr. Kemmer thanked the  
19 Selectboard for their time. The Selectboard thanked him for following through. Mr. Kemmer discussed other  
20 efforts he has undertaken regarding regulations.  
21

22 Ms. Shamp said she has lived on Old Pump Road for 28 years and has seen a lot of changes on the road, including  
23 the amount of cars and the speed. She said the posted speed limit is 30 mph, noting the location of the speed  
24 limit sign. She discussed concerns about speeding and safety, asking the Selectboard to consider lowering the  
25 speed limit. Ms. Shamp discussed her reasoning and some examples, noting safety as the primary concern.  
26

27 Ms. Kasser agreed with Ms. Shamp, discussing use of the road by runners. She discussed her concerns, noting  
28 the road connects into Essex. She stated it is quite fast and there are a lot of people using the road, which is  
29 making it more and more dangerous. Ms. McMains said she understands their concerns, which are shared by  
30 many on other roads in Town. She stated they are awaiting a transportation study on all roads in Town, noting it  
31 is almost complete. She discussed limitations and requirements set by State statute.  
32

33 Ms. Shamp asked if a petition would help. The Selectboard discussed the role of a petition in the process. Ms.  
34 McMains discussed actions that can be considered in the short-term and in the long-term. She also discussed  
35 examples of speeding issues in other areas of the Town, noting although they are limited in what they can do,  
36 they are working through the process. The Selectboard and those present discussed the matter further. Mr. Odit  
37 agreed to have the Highway Department review the current signage and add signage.  
38

39 Ms. Shamp stated she would like additional traffic enforcement, particularly during commute times. Ms.  
40 Barewicz stated 30 mph is too fast for that road, noting there are a lot of places that are one lane with curves.  
41 She said there are ways to enforce the speed limit, but it is too high. She discussed her reasoning. The  
42 Selectboard and those present discussed the matter further, including possible solutions. Ms. McMains  
43 suggested contacting legislators to allow photo enforcement on radar feedback signs. Mr. Nulty agreed and  
44 discussed the effectiveness of such signs.  
45

46 Ms. Mercer empathized with the concerns raised. She said it is a matter of going through the steps, so not to be  
47 challenged. She noted the advantages that Old Pump Road has when compared to some of the other roads in  
48 Town. Ms. Mercer said she sees why they would want it changed to 25 mph, but she doesn't know that it will  
49 solve the problems. She stated studies have shown that the number one traffic calming element you can add to  
50 a road is pedestrians. She discussed the matter further.

51 Ms. Barewicz clarified that a traffic study is required. She discussed the commercial traffic on the road, noting  
52 the speed limit is too fast. The Selectboard and those present discussed the matter further, including possible  
53 next steps and speed limits in other areas of the Town.

54

55 Mr. Clark said he would like to discuss burn permits. He discussed a recent situation where a neighbor had a  
56 burn permit and was burning all day long, creating a lot of smoke. Mr. Odit said he should have called the Town  
57 or the Fire Department. Mr. Clark stated he called the Fire Department and they said there was nothing they  
58 could do. He noted he also called the neighbor. Mr. Odit said he wasn't aware of the situation, but if he had  
59 called the Town office, they would have required the Fire Department to put the fire out. The Selectboard and  
60 Mr. Clark discussed the matter further. The Selectboard agreed to discuss the situation with the Fire  
61 Department, since the neighbor violated his permit.

62

63 **2. Approve Reappraisal Contract - Sandra Costes, Assessor/Lister.**

64 Mr. Odit said about a month ago they had discussed issuing a request for proposal for reappraisal, which they  
65 did. He said they received only one response. He discussed the pricing, compared to the previous reappraisal  
66 and what other towns are paying. Ms. Costes discussed the reason for the quote with the Selectboard. Mr. Odit  
67 discussed the approach to the reappraisal. The Selectboard, Mr. Odit, and Ms. Costes discussed the matter  
68 further, including what additional staff time will be needed and funding.

69

70 On a motion by Mr. Nulty, seconded by Ms. Mercer, **the Selectboard accepted the proposal from Vermont**  
71 **Appraisal Company for a town-wide reappraisal and to execute the contract for the same.** The motion passed  
72 3-0.

73

74 The Selectboard thanked Ms. Costes for her work.

75

76 **3. Approve RFQ for Town Attorney.**

77 Mr. Odit stated the Town attorney gave us notice that he is not renewing his law license when it expires, so we  
78 need to find a replacement. He said he drafted a request for qualifications for legal services. He discussed an  
79 approach to find a replacement. Ms. McMains noted that Greg said he would help with the process. The  
80 Selectboard and Mr. Odit discussed the matter further. Mr. Odit said he would make the suggested changes and  
81 bring it back at a future meeting.

82

83 **4. Approve Chittenden Unit for Special Investigations (CUSI) Intergovernmental Agreement.**

84 Mr. Odit said he received the agreement and a copy of the by-laws, noting the by-laws contains the language the  
85 Selectboard requested. The Selectboard agreed and discussed the matter further with Mr. Odit.

86

87 On a motion by Ms. Mercer, seconded by Mr. Nulty, **the Selectboard approved the CUSI Intergovernmental**  
88 **Agreement for 2014-2016.** The motion passed 3-0.

89

90 **5. Discuss Ethan Allen Road Speed Limit.**

91 Mr. Odit said at the last meeting the Selectboard asked him to contact the Range. He said he did and they do not  
92 have an opinion and will not because it is not in their jurisdiction. He noted a memo and information were  
93 provided the members in their packet, discussing the information provided. Mr. Nulty clarified the radar  
94 feedback signs keep a record. Mr. Odit agreed, discussing the results from when the sign was posted on the  
95 road. Ms. McMains asked Mr. Odit if he had looked into getting a sign that says no through traffic. Mr. Odit said  
96 we can do that, but he has not had a chance to follow up yet.

97

98 Mr. Nulty said the single biggest source of traffic on the road declined to have an opinion, so if a majority of the  
99 citizens come forward with a request to lower the speed limit, we can do it and see if there are any objections.

100 Mr. Charter stated they submitted a petition a couple of years ago with signatures from almost everyone on the

101 road. The Selectboard and Mr. Charter discussed the matter further. Ms. Mercer stated 85% of the traffic is  
102 going lower than the speed limit according to the evidence presented. Ms. Charter said that is untrue, noting  
103 speeders are usually from 3:30 p.m. to 5:30 p.m. during the week or during the weekends. She discussed her  
104 concerns and some examples.  
105  
106 Mr. Odit clarified that this doesn't mean there will be more enforcement. He expressed concern that there will  
107 be more complaints about the problem if the limit is reduced. Mr. Charter said he would prefer a slower speed  
108 limit, noting additional measures he is willing to take. He discussed the situation that spurred him to take action.  
109 The Selectboard and those present discussed the matter further, including next steps and the process.  
110  
111 **6. Warn Public Hearing for Land Use and Development Regulation Amendments.**  
112 Mr. Odit noted the Selectboard made one change to prohibit internally lit signs everywhere in Town until the  
113 Planning Commission presents additional information. The Selectboard and Mr. Odit discussed the matter.  
114  
115 On a motion by Ms. Mercer, seconded by Mr. Nulty, **the Selectboard warned a public hearing for 7:00 p.m. on**  
116 **September 18, 2014, for the Land Use and Development Regulation amendments as proposed by the Planning**  
117 **Commission and as further amended by the Selectboard on July 17, 2014.** The motion passed 3-0.  
118  
119 **7. Approve Harvest Market Request for Signs in Right of Way.**  
120 Mr. Odit said it is that time of year and the Harvest Market has requested permission to post signs in the right of  
121 way. The Selectboard discussed the matter and agreed the signs could be posted.  
122  
123 **8. Review Department of Defense Joint Land Use Study Program.**  
124 Mr. Odit said the study was brought to us a year ago and staff asked what it is. He said they recently got back to  
125 us and met with us about it. He discussed the study, including the towns involved and the costs. The  
126 Selectboard and Mr. Odit discussed the matter. Mr. Nulty discussed the Town's relationship with the Vermont  
127 National Guard (VNG) to date. Mr. Odit said he asked them if it is a two-way street and the answer was basically  
128 no. The Selectboard and Mr. Odit discussed the matter further.  
129  
130 Ms. Mercer read from the presentation materials. She noted that they have a lot of land there, so they already  
131 have their own buffer. The Selectboard, Mr. Villeneuve, and Mr. Odit discussed the size of the Range in  
132 comparison of the size of the Town. The Selectboard and Mr. Odit discussed how to proceed. Ms. Mercer  
133 clarified that the wording seems to indicate that they want to have impact on the zoning that surrounds their  
134 property, but the Town would not gain any access to their property. Mr. Odit said he asked the direct question if  
135 it would impact anything that happens on the Range and the response was no.  
136  
137 **9. Approve minutes 7/17/2014, 7/28/2014, and 8/5/2014.**  
138 On a motion by Mr. Nulty, seconded by Ms. Mercer, **the Selectboard approved the minutes of 7/17/2014 as**  
139 **amended.** The motion passed 3-0. On a motion by Ms. Mercer, seconded by Mr. Nulty, **the Selectboard**  
140 **approved the minutes of 7/28/2014 as written.** The motion passed 3-0. On a motion by Ms. Mercer, seconded  
141 by Mr. Nulty, **the Selectboard approved the minutes of 8/5/2014 as written.** The motion passed 3-0.  
142  
143 **10. Other Business.**  
144 Mr. Odit confirmed the members received the e-mail about the pedestrian bridge. He said the State cannot  
145 source a bearing they need to build the bridge, so they will finish it in the spring. Ms. Mercer stated she called  
146 the Project Manager at vTrans today, discussing the reasoning and her conversation. The Selectboard and Mr.  
147 Odit discussed the matter further.  
148

149 Mr. Odit said a couple of months ago we applied for two bike/pedestrian grants. He said we were awarded  
150 both: a \$30,000 scoping grant; and a \$250,000 design and construction grant. The Selectboard agreed that is  
151 great. They discussed the matter further with Mr. Odit.  
152  
153 Mr. Odit stated we received the new flashing pedestrian signs and will hopefully install them by Jericho  
154 Elementary School this week. The Selectboard discussed the matter.  
155  
156 **11. Approve Warrants of 7/25/2014, 8/8/2014, and 8/22/2014.**  
157 The Selectboard members signed the warrants.  
158  
159 On a motion by Mr. Nulty, seconded by Ms. Mercer, **the Selectboard entered Executive Session at 8:26 p.m.** The  
160 motion passed 3-0.  
161  
162 On a motion by Mr. Nulty, seconded by Ms. Mercer, **the Selectboard exited Executive Session at 9:29 a.m. on**  
163 **8/28/2014.** The motion passed 3-0.  
164  
165 On a **motion** by Ms. Mercer, seconded by Mr. Nulty, **the Selectboard adjourned at 9:29 a.m. on 8/28/2014.** The  
166 motion passed 3-0.  
167  
168 Respectfully Submitted,  
169 Amy Richardson

2  
3 **Selectboard Meeting**  
4 **September 4, 2014 at 7:00 p.m.**  
5 **Jericho Town Hall, 67 Vermont Route 15**  
6

7 **Members present:** Tim Nulty (Chair), Catherine McMains, Kim Mercer

8  
9 **Others present:** Todd Odit (Town Administrator), Amy Richardson (Secretary), Mike Charter, Stuart Alexander,  
10 David Villeneuve, Don Foote, Alex MacDonald, Ethan Kesler, Julia Preston, Susan Bresee, Mary Kintner

11  
12 The public hearing was called to order by Mr. Nulty at 7:02 p.m.  
13

14 **1. Public Comment.**

15 Mr. Alexander asked about the Open Space Procurement Fund in the Town Report, discussing amounts allocated  
16 recently. He asked what the balance is. Mr. Odit said the amount is in the reserves, about \$65,000 to \$70,000.  
17 Mr. Alexander said he is puzzled by its title, noting the discussion at the time it was set up was motivated by  
18 something done in Williston. He asked why it is restricted to open space. Mr. Odit explained it is not, noting it  
19 was two funds that have been combined. He discussed the purpose, noting there are no written restrictions.  
20 Mr. Nulty said it has not escaped their notice that this might be put toward the Rivers' property, if approved.  
21

22 Mr. Alexander asked for a summary regarding the LED lighting. Mr. Odit discussed the change the Selectboard  
23 made to the draft regulations, which will be presented at the upcoming public hearing. He said the regulations  
24 that will be presented do not allow LED or internally lit signs. The Selectboard discussed the reasoning for the  
25 change. The Selectboard and Mr. Alexander discussed the matter further.  
26

27 Mr. Charter presented the Selectboard with a petition to lower the speed limit on Ethan Allen Road. The  
28 Selectboard and Mr. Charter discussed the signatures obtained. Mr. Odit said he has mentioned the "No Outlet"  
29 sign to Doug and he will put one up. Mr. Nulty asked him to get the ordinance process started. Mr. Odit said he  
30 would bring information back at the next meeting.  
31

32 **2. Request to Use Nashville Road for Fun Run - MMU Travel Club.**

33 Julia Preston, Alex MacDonald, and Ethan Kesler introduced themselves, noting they represent the MMU Travel  
34 Club. They said they would like to stage a Fun Run as a fundraiser, discussing last year's trip and the trip being  
35 planned this year. They stated the run would occur on Sunday, October 26<sup>th</sup> at 11 a.m., discussing the route and  
36 cost. The Selectboard and the representatives discussed the matter further, including: timing, advertising, safety,  
37 and community support. Mr. Odit asked that the coordinator work with him and the Road Commissioner. The  
38 Selectboard discussed notification of the Sheriff's Department, signage, marketing, and sponsors with the  
39 representatives. The Selectboard agreed to the request, asking them to work with Mr. Odit.  
40

41 **3. Review Request for Qualifications (RFQ) for Town Attorney.**

42 Mr. Odit said he made the changes to the RFQ that were requested. He discussed the timing of Greg's retirement  
43 and his assistance with the transition. He noted he received notice from Mike Weisel that he is retiring on  
44 January 1, 2015. The Selectboard agreed the RFQ looks good. They discussed the distribution and timing.  
45

46 **4. Review Hinesburg Class 1 Study.**

47 Mr. Odit said the possibility of taking over portions of Route 15 was discussed at Town Meeting. He said there  
48 are some studies being worked on by the Regional Planning Commission (RPC), noting that Hinesburg did a  
49 corridor plan since they are considering the same type of thing for Route 116. He discussed the responsibilities,  
50 funding, possible sections, length, and costs. The Selectboard and Mr. Odit discussed the matter.



Mr. Odit said it is a lot to consider, noting the maintenance is big and unknown. He said just because we ask for certain portions, doesn't mean we would get just those portions. The Selectboard and Mr. Odit discussed the matter further. Mr. Nulty asked for an estimate of costs. The Selectboard discussed the Hinesburg report and the status. Mr. Odit discussed a similar example in another town. He agreed to come back with some maintenance cost estimates. The Selectboard and Mr. Odit discussed other towns that have taken such action. They also discussed the cost of current roads, staffing, liability, and traffic volumes.

**5. Appoint Vermont League of Cities and Towns (VLCT) Town Fair Voting Delegate.**

Mr. Odit said if someone is going and wants to participate, they need to be appointed. The Selectboard discussed attendance and the meeting.

On a motion by Ms. McMains, seconded by Ms. Mercer, **the Selectboard appointed Ms. Mercer as the Selectboard voting delegate for the annual meeting of the VLCT.** The motion passed 3-0.

**6. Discuss Draft Riverside Form-Based Code.**

Mr. Odit provided an update on the process, noting the Planning Commission (PC) met and discussed the Form-based Code. He said they discussed the public hearing, but did not warn one. He discussed the timing of the next PC meeting and efforts being made to incorporate comments received to date into the code. The Selectboard and Mr. Odit discussed how the feedback is being incorporated into the document.

Mr. Foote stated the PC is still wrestling with this idea, noting it is a different type of regulation. He discussed their efforts to date and how they are incorporating changes into the draft regulations. He stated the PC will review the changes at the next meeting. Mr. Foote said two things are happening:

- 1) They are identifying areas where they can polish the rough edges; and
- 2) They are spending time getting their arms around this different type of regulations, getting a better grasp and a deeper understanding.

Mr. Foote said he polled the PC members to see if they were prepared to hold a vote to warn a public meeting and their comfort level at the last meeting was not there yet. The Selectboard, Mr. Foote, and Mr. Odit discussed the timing for warning a public hearing. Mr. Odit discussed the uniqueness of this project compared to others in the area, noting the Town is trying to implement a vision of a denser Village Center which is in-fill development. He described what that means, saying we are trying to make sure development can occur and that it will blend with what already exists, since it is not a green field site.

Mr. Nulty asked about the timing, expressing concern about being bottled without sharing it with the public. He said we want the process moving forward, since the public has been involved in this for 10 years now. Mr. Foote said he thinks that most of the PC is supportive of the concept. He stated the concern is the details and whether the regulations proposed will effectively do what we want them to do. Mr. Nulty said his concern is about the process, not the substance.

Mr. Foote said the PC viewpoint has been that they don't feel prepared for the hearing because they don't feel they have a good grasp. He discussed the concerns of the commission further, noting they may want the consultant to be involved. Mr. Nulty agreed to involve the consultant if needed. Ms. Mercer said it was a big mistake not pushing the PC to be involved in the Planapalooza. She said that would've helped us so much, discussing the reasons. Mr. Nulty discussed what was done in the Planapalooza, noting this reflects what the public likes.

Mr. Nulty clarified the PC's role and responsibility in the process. Mr. Foote acknowledged Mr. Nulty's point. Mr. Villeneuve added that the PC is also looking at how those regulations fit in with the existing regulations, which is something that they have a better ability to do than the public. Mr. Nulty agreed. Ms. McMains noted that staff

spent a year with the consultant doing that and the PC's other role is to make sure that it comports with the Town Plan.

**7. Approve Gallery Malt/Vinous Permit - Emile Gruppe Gallery.**

On a motion by Ms. Mercer, seconded by Ms. McMains, **the Selectboard approved the beer and wine permit for an event the Emile Gruppe Gallery is having.** The motion passed 3-0.

**8. Approve minutes 8/21/2014.**

On a motion by Ms. McMains, seconded by Ms. Mercer, **the Selectboard approved the minutes of 8/21/2014 as amended.** The motion passed 3-0.

**9. Other Business.**

Mr. Odit stated the culverts on Hanley Lane have been replaced. He said Dig Safe for the beacons at the school crosswalk has happened, so hopefully they will be installed soon. Ms. McMains discussed the new art exhibit in the Town Hall, noting there would be an artist reception in October. Ms. Mercer asked about a check amount that was different than the invoice. Mr. Odit explained the reason for the difference.

**10. Approve Warrants of 9/5/2014.**

The Selectboard members signed the warrants.

On a **motion** by Ms. McMains, seconded by Ms. Mercer, **the Selectboard adjourned at 7:59 p.m.** The motion passed 3-0.

Respectfully Submitted,  
Amy Richardson

2  
3 **Selectboard Meeting**  
4 **September 18, 2014 at 7:00 p.m.**  
5 **Jericho Town Hall, 67 Vermont Route 15**  
6

7 **Members present:** Tim Nulty (Chair), Catherine McMains, Kim Mercer  
8

9 **Others present:** Todd Odit (Town Administrator), Amy Richardson (Secretary), Mike Charter, Stuart Alexander,  
10 David Villeneuve, Robin Bartlett, David Burke, Robert Bugbee, Richard Brehm, Julia Blake  
11

12 The public hearing was called to order by Mr. Nulty at 7:02 p.m.  
13

14 **1. Public Hearing.**

15 Land Use and Development Regulation Amendments

16 Mr. Odit said these are the regulations the Selectboard discussed a couple of weeks ago. He discussed the  
17 amendments recommended by the Jericho Planning Commission (JPC), noting the change made by the  
18 Selectboard to not allow internally lit signs. He stated the JPC has developed language to allow LED message  
19 boards for schools, but if the language is incorporated now there will need to be another public hearing or they  
20 could be added when Form-based Code is adopted.  
21

22 Mr. Alexander clarified that the present language of LED signs is just a placeholder. He said at the last meeting he  
23 was asked if he had an opinion, but he didn't and doesn't have a fully informed opinion. He argued the school  
24 sign is not going to be seen by the majority of the population, suggesting that the Selectboard leave it as it is.  
25 The Selectboard discussed the reasoning for the change, noting the JPC was invited to develop a more rigorous  
26 standard which the Selectboard will hear. The Selectboard discussed the matter further with Mr. Alexander.  
27

28 Mr. Villeneuve said he has attended the JPC meetings, noting there has been a lot of discussion on this subject  
29 and it doesn't just involve the LED sign for the school. He stated it also affect signs in the Commercial District  
30 and he would be opposed to shut them off for a temporary timeframe while they go through the process. He  
31 suggested the JPC should have a chance to submit their input. The Selectboard explained anything currently  
32 exists will continue and they cannot move ahead on this until the JPC gives them more information.  
33

34 Mr. Villeneuve clarified his point, stating he thinks the Selectboard should address the issue because anyone who  
35 comes in with an application now cannot have lit signs. Mr. Odit clarified they could not have internally lit signs.  
36 Mr. Nulty explained the rationale, saying they are calling a moratorium on internally lit signs now, which is  
37 temporary until they receive further information from the JPC; noting they are in the process, but are not  
38 finished yet. Ms. McMains stated adopting these regulations allows the rest of the amendments that the JPC  
39 had a public hearing on in April to be adopted.  
40

41 Ms. Mercer stated it doesn't affect any signs that already in place. Mr. Villeneuve said he understands that, as  
42 long as the matter is still open. The Selectboard and Mr. Villeneuve discussed the matter further. Ms. Mercer  
43 noted the regulations are amended at least annually. She said the sign regulation wasn't enforceable. She noted  
44 she likes the amendments to the density bonus and the energy star sections, noting they are easier to  
45 understand.  
46

47 Application to Transportation Alternatives Grant Program for Sidewalk Construction Funding

48 Mr. Odit said the latest construction estimates for the Jericho Center sidewalk was \$100,000 over the grant that  
49 was awarded. He said half of the shortfall was made up with a sidewalk grant from the Chittenden County  
50 Regional Planning Commission (CCRPC), so staff is proposing to apply to the Transportation Alternatives Program

for the remaining \$50,000. Ms. McMains said the wetland retaining wall is expensive. Mr. Nulty asked if there was a solution to that. Mr. Odit said not really, unless it crosses the road. The Selectboard and Mr. Odit discussed retaining walls and the reason for the costs. Mr. Nulty asked Mr. Odit to look into less expensive retaining wall materials and use vegetation to screen it.

On a motion by Ms. McMains, seconded by Ms. Mercer, **the Selectboard closed the public hearing at 7:17 p.m.** The regular Selectboard meeting began at 7:17 p.m.

## **2. Public Comment.**

Mr. Alexander said about a year ago he discussed the pumpkin glow event and safety with the Selectboard. He said Jessica Alexander suggested reserving early evening for children and families, with later for motor vehicle traffic. He asked if we could provide traffic control and like what happens at Harvest Market. Ms. McMains said Harvest Market uses a volunteer run shuttle bus. Mr. Nulty noted the difference between a day and evening event. Ms. Mercer expressed concern about safety while people drive through with their headlights off. Mr. Odit stated he checked with the Sheriff's Department and they didn't want to do it. The Selectboard, Mr. Alexander and Mr. Odit discussed the matter further, including liability, safety, and possible options. Mr. Nulty asked Mr. Odit to look into the possibility of closing the road for a period of time. Mr. Odit discussed some possibilities and agreed to look into it further.

Mr. Bartlett said he attended the DRB meeting on the September 11<sup>th</sup> where a project was presented for a parking lot on River Road for the Lacy property. He said it seemed to be sizeable and when he asked about the cost to the taxpayers of Jericho no one knew. He stated the Engineer said that it would have to go out to bid unless the Town employees needed something to do in the summer. Ms. McMains responded that if it requires taxpayer money it will come before the Selectboard. Mr. Bartlett, Mr. Odit, and the Selectboard discussed the matter further. The Selectboard and Mr. Bartlett discussed the area and safety. Mr. Nulty said when the time comes they will have hearings on the matter. Ms. Mercer said she uses Mills Riverside and the Red Mill Park daily and they are busy. She said the trails are very well used and it is possible that having access to the Winooski River would be a good recreational access for the Town.

## **3. Approve Municipal Planning Grant Resolution.**

Mr. Odit said he is proposing that the Town apply for a planning grant to update the public works specifications. He said the estimate was around \$20,000 and if it is awarded there would be a \$4,000 match. He said in order to apply, the Selectboard needs to approve. Ms. McMains said she thinks it is a great topic. She discussed the CCRPC efforts relating to road permits and stormwater.

On a motion by Ms. McMains, seconded by Ms. Mercer, **the Selectboard authorized applying for a Municipal Planning Grant to update the Town's road specifications.** The motion passed 3-0.

## **4. Review Town Engineer Request for Qualifications (RFQ).**

Mr. Odit stated Mike is retiring, so he drafted an RFQ for Engineer consulting. He said it outlines the type of work we would be looking for, noting it may be an individual or a firm. He asked the Selectboard for comments. The Selectboard and Mr. Odit discussed the matter, including whether to look for a firm or an individual. Mr. Nulty suggested some different wording. Ms. McMains suggested asking Mike to review it and get his feedback. Ms. Mercer noted we are under a deadline on this. Mr. Odit agreed. The Selectboard agreed to have Mr. Odit revise the RFQ and move forward.

## **5. Review Bugbee Subdivision Private Road.**

Mr. Odit said as part of the review process the Selectboard is to review roads if they are private. He stated this project is off Browns Trace Road. He explained what is being requested, noting that Ms. Murray spoke with the fire department and they don't have any concerns and the Town isn't plowing the road. Ms. McMains said she

101 likes that it is lower scale and impact. She asked about rain gardens. Mr. Burke said it is the lowest impact and  
102 they can get State stormwater approval. He explained the reasoning, noting they are proposing to pave the first  
103 100' of the road and then it will be gravel. Mr. Odit said Ms. Murray recommends approving the requests,  
104 contingent upon it remaining a private road.

105

106 On a motion by Ms. McMains, seconded by Ms. Mercer, **the Selectboard approved: the proposed street detail;**  
107 **the request for a gravel road; the request for waiver of the proposed 60' right of way; and the request for**  
108 **waiver of the proposed 120ft outside diameter right of way for the cul-de-sac.** The motion passed 3-0.

109

#### 110 **6. Adopt 25 mph Speed Limit for Ethan Allen Road.**

111 Mr. Odit provided the Selectboard with an e-mail from an individual who is asking them to hold on moving  
112 forward with reducing the speed limit. He and the Selectboard discussed the e-mail. Ms. Mercer expressed  
113 concern that everyone on a dirt road will want their speed limit reduced, noting she thought they were waiting  
114 for the transportation study. Mr. Nulty and Ms. McMains compared the road to other roads in Town, noting it is  
115 not a through road, it is a unique situation.

116

117 Mr. Charter said he doesn't know why someone on Pratt Road cares about it. He discussed the high schools track  
118 team use of the road and the traffic. He said the reason some speeds were so low from the radar feedback sign  
119 had to do with where the sign was positioned because cars are slowing way down to turn into driveways. Mr.  
120 Nulty stated it is not an average, it measures each vehicle. Mr. Odit said the speed that registers first is recorded.  
121 The Selectboard discussed the matter further, noting Bolger Hill Road's speed limit was reduced previously. Mr.  
122 Bartlett expressed concern about the students running on the roads during the busiest time of the day. The  
123 Selectboard discussed the matter further with Mr. Bartlett.

124

125 On a motion by Ms. Mercer, seconded by Ms. McMains, **the Selectboard adopted an amendment to the Speed**  
126 **Limit Ordinance Adopted October 19, 1994 to establish a speed limit of 25 mph on Ethan Allen Road.** The  
127 motion passed 3-0.

128

#### 129 **7. Discuss Rivers' Property Next Steps.**

130 The Selectboard members discussed their meetings with the Town attorney regarding the announcement. The  
131 Selectboard and Mr. Odit discussed the process to add something to the ballot. They discussed possible  
132 approaches to the vote and the role of the Community Development Corporation (CDC). Mr. Nulty suggested an  
133 Executive Session at the end of the meeting to discuss the language of the warning. The Selectboard discussed  
134 the matter further with Mr. Odit, including the public hearing requirements, bonding requirements, and  
135 informational meetings. They also discussed the timing of meetings and the votes.

136

137 Mr. Bartlett asked when the public can ask questions or discuss this. Mr. Nulty said there will be at least two  
138 meetings. He stated the deal with the Underhill-Jericho Fire Department (UJFD) is settled and it is not a secret,  
139 noting the language that will appear on the ballot is what is being discussed. Mr. Brehm said he has been  
140 following it and he understands the offer, asking about the appraised value of the property. Mr. Nulty said there  
141 were two appraisals, discussing the range between the values. He also discussed the reason the offer was higher  
142 than the middle of the two values, noting attractive financing terms offered by UJFD. He also discussed how they  
143 arrived at the interest rate on the note. Mr. Nulty said the intention is to use this property to generate some  
144 income and some of it will be open space. He discussed some of the ideas generated by the population and  
145 developer involvement to date. He stated if the vote passes, there will be a full public process.

146

147 Mr. Brehm asked about the low and high return on investment. Mr. Nulty said the goal is to get our money back  
148 and at the end of the day we have an asset, 115 acres. He said they did this so the Town would not tear itself  
149 apart. The Selectboard and those present discussed reasoning for the Town being involved. Mr. Nulty discussed  
150 possibilities for the various parts of the property. Mr. Bugbee said the Town allowed ¼ acre building lots in

151 Jericho Center without sewer capacity. Ms. McMains said the State issues the permits for septic. Mr. Nulty said  
 152 building a village septic would benefit everyone and the Town would get grants. Mr. Brehm discussed the  
 153 community septic his property is connected to. He expressed concern about getting information out to the  
 154 voters in time for them to make a decision, noting a point paper would be very helpful. The Selectboard  
 155 explained the timing, noting they will provide information in advance of the vote. They discussed the matter  
 156 further with Mr. Brehm.  
 157  
 158 Mr. Nulty discussed constraints they worked within during the negotiation process. He provided more  
 159 background on the issue, stating this is the compromise they worked out and they hope the Town will support it.  
 160 Ms. Mercer clarified that Mr. Nulty is speaking for himself, noting that she does not have the involvement in the  
 161 deal that he does and she hasn't formed her opinions. She stated she is interested in getting this information to  
 162 the public and hearing their views. She discussed questions that she has about the deal. Ms. Mercer said there  
 163 is also the question of what is fair for the Fire Department and for the Town, which people need to decide. She  
 164 discussed other considerations, including the budget process.  
 165  
 166 Mr. Bugbee asked who the Developer is that is involved and whether they are financially capable of taking this  
 167 on. He asked what will happen if the economy drops again. Mr. Nulty discussed more of the negotiation process  
 168 and how a Developer became involved, noting that when they heard that some people were concerned about a  
 169 private process they stopped working with the Developer. He said if the vote is passed, they may continue the  
 170 same kinds of discussions with that and other Developers. He said he is pretty confident that if we do acquire it,  
 171 we will be able to get all or part of the money back, noting it does expose the Town to some risk.  
 172  
 173 Ms. McMains noted that is why it is structured as a 30 year note with interest only, which is approximately  
 174 \$43,000 a year in interest. Mr. Nulty noted that is if we never paid any principle, noting the ultimate risk is pretty  
 175 small. Mr. Bugbee asked if there is a contract. Mr. Brehm asked if they are legally bound by confidentiality. Mr.  
 176 Nulty said they would look into it. He said the substance of the discussions was confidential, but if they are not  
 177 bound by confidentiality they would tell him. Mr. Bartlett asked how the community septic system would be  
 178 formed. Ms. McMains clarified that is just one of the ideas and they are not committed to that. She noted  
 179 community septic systems belong to the community not the municipality.  
 180  
 181 Mr. Nulty said the location that is attractive for a community septic is not where the houses would be located.  
 182 The Selectboard and those present discussed how a community septic might work and be funded. Mr. Odit  
 183 clarified it would be a utility, where users pay. Ms. Blake asked where the 15 acres are located. Mr. Nulty said  
 184 along Plains Road and behind the Jericho Fire Department. Mr. Villeneuve expressed concern about having  
 185 sufficient opportunity for the public to weigh in before the vote. He said there needs to be a reasonable  
 186 timeframe. The Selectboard discussed the timing of information and the vote.  
 187  
 188 **8. Accept 2014-2015 Sidewalk Snowplowing Bid.**  
 189 Mr. Odit said he received only one bid, which was from the individual who did it last year and the bid is less than  
 190 last year. The Selectboard and Mr. Odit discussed the matter further.  
 191  
 192 On a motion by Ms. Mercer, seconded by Ms. McMains, **the Selectboard awarded the 2014-2015 winter season**  
 193 **sidewalk snow removal services bid to Craig Cowles in the amount of \$11,770.** The motion passed 3-0.  
 194  
 195 **9. Adopt Land Use and Development Regulation Amendments.**  
 196 On a motion by Ms. McMains, seconded by Ms. Mercer, **the Selectboard adopted the Land Use and**  
 197 **Development Regulations as proposed by the Planning Commission and further amended by the Selectboard**  
 198 **on August 21, 2014.** The motion passed 3-0.  
 199  
 200 Mr. Nulty left the meeting at 8:45 p.m.

201 Ms. McMains mention an e-mail from Mr. Kemmer about signs. Mr. Odit and Ms. Mercer said they had not seen  
202 the e-mail. Mr. Odit said the first question is whether the Selectboard thinks it is an appropriate thing for  
203 Jericho. Ms. McMains discussed concerns about brightness and transition time. She asked how the JPC came up  
204 with 500 nits. Mr. Odit said he would ask Ms. Murray. The Selectboard and Mr. Odit discussed the matter  
205 further.

206

207 **10. Approve minutes 9/4/2014.**

208 On a motion by Ms. Mercer, seconded by Ms. McMains, **the Selectboard approved the minutes of 9/4/2014 as**  
209 **written.** The motion passed 2-0.

210

211 **11. Other Business.**

212 Ms. McMains said the CCRPC has to update the Public Participation Plan, which will become the Public  
213 Engagement Plan. She said anyone can comment on it and they will be going around to Selectboards to discuss  
214 the plan. She discussed the plan further and reasoning, sharing a copy of it with Ms. Mercer.

215

216 **12. Approve Warrants of 9/19/2014.**

217 The Selectboard members signed the warrants.

218

219 On a **motion** by Ms. Mercer, seconded by Ms. McMains, **the Selectboard entered Executive Session at 8:52 p.m.**  
220 **to discuss items covered by attorney-client privilege.** The motion passed 2-0.

221

222

223 Respectfully Submitted,

224 Amy Richardson

2  
3 **Selectboard Meeting**  
4 **October 2, 2014 at 7:00 p.m.**  
5 **Jericho Town Hall, 67 Vermont Route 15**  
6

7 **Members present:** Catherine McMains (Chair), Kim Mercer  
8

9 **Others present:** Todd Odit (Town Administrator), Amy Richardson (Secretary), Brian Stevens, Higley Harmon,  
10 Mike Kramer, Chris Kiegle, Mike Charter, Julia Blake, Tracie Wright, Curt Carter, Laura Zambarano, Matt  
11 Zambarano, Andrew Levi, Robin Bartlett, Warren Palmer, Robert Cash, Don Foote, Lisa Rector, Rick Brehm, Kurt  
12 Emerson, Donna Ericson, Michael Mallow, Richard Coles  
13

14 On a **motion** by Ms. Mercer, seconded by Ms. McMains, **the Selectboard exited Executive Session from**  
15 **September 18, 2014 meeting at 7:01 p.m.** The motion passed 2-0.  
16

17 On a **motion** by Ms. Mercer, seconded by Ms. McMains, **the Selectboard adjourned the September 18, 2014**  
18 **meeting at 7:02 p.m.** The motion passed 2-0.  
19

20 The public hearing was called to order by Ms. McMains at 7:02 p.m.  
21

22 **1. Public Comment.**

23 Mr. Harmon stated he is a school bus driver and he loves it up here. He said his route is Skunk Hollow Road and  
24 he loves that it is paved with speed tables. He discussed a situation recently where he was making a left hand  
25 turn onto Route 117, noting he is very cautious. Mr. Harmon said the 50 miles per hour (mph) speed limit is high  
26 and if it were reduced to 35 mph there would be a chance to get the bus through there safely. He said the  
27 Sherriff's Department said to come to this meeting. He noted the public works also have difficulty getting the  
28 dump trucks onto Route 117.  
29

30 Mr. Harmon discussed other concerned persons he has spoken with and other examples. He said the speed limit  
31 is too fast and it needs to be slowed down there, saying it could increase on either ends. He asked the  
32 Selectboard to stand up for these kids, saying he loves his job. Mr. Harmon discussed the situation further,  
33 describing the impact on the kids. He said it takes a while to get the bus out and up to speed. He discussed  
34 efforts to get the speed limit reduced and asked the Selectboard to talk to vTrans. Ms. McMains clarified the  
35 section of Route 117 that he was referring to. Mr. Harmon agreed, discussing the matter further.  
36

37 Mr. Palmer clarified the location, noting the posted speed limit is 40 mph. Mr. Harmon stated that only applies  
38 to dump trucks, etc. He discussed his conversation with a police officer. He stated he is not trying to set up a  
39 speed trap and the people who live here understand that, but it is a pass through for a lot of people. The  
40 Selectboard, Mr. Harmon, and Mr. Palmer discussed the matter further. Mr. Odit stated the draft Transportation  
41 Plan includes some recommendations that we can follow up on. Ms. Mercer noted that we have control over  
42 where the lane is striped. Mr. Odit agreed to follow up. Mr. Harmon said there is a school bus stop sign that  
43 should be moved. Mr. Odit asked him to call to discuss the location. The Selectboard thanked Mr. Harmon for  
44 taking the time to attend the meeting and discuss his concerns.  
45

46 Mr. Kiegle thanked the Selectboard for posting draft minutes early, noting he would like that to continue. Ms.  
47 McMains stated it will continue due to the open meeting rules. Ms. Mercer noted they rarely make substantive  
48 changes to the draft minutes, but cannot approve them within five days because they only meet every two  
49 weeks.  
50



**2. Discuss Rivers Property Acquisition and Date of Public Vote.**

Ms. McMains began with an overview of the process and the negotiations. She said in response to the passions last fall, the Town of Jericho and the Underhill-Jericho Fire Department (UJFD) created negotiation committees. She said a broad agreement was reached in April which included a clause that other offers would be entertained if beneficial to all parties. Ms. McMains said immediately UJFD was approached by a developer and the discussions seemed to be beneficial to all involved; however, as the discussions continued the numbers became less favorable to the Town and negated any public process, so the Selectboard said no. She discussed the timing of an agreement and voting, noting that in September both committees and both boards voted on the same language. She said the first meeting that the Selectboard could discuss the matter was September 18<sup>th</sup>.

Ms. McMains stated there were differing opinions on the Selectboard at that point; noting her feelings were that there was not enough time to inform everyone. She said they asked UJFD to postpone the vote from November until Town Meeting. She stated the negotiating committee responded this week and the answer was no. Ms. McMains said the Selectboard wants to give the townspeople enough time to discuss the matter before a vote. She discussed how the agreement was reached and some of the background on why an agreement was pursued. She said if the Town buys the property there will be an opportunity for a public process. Ms. McMains discussed the ballot item, saying it is the financing mechanism people would be voting on.

Ms. Zambarano clarified whether the voters will be voting on whether to purchase the property or not. Ms. McMains said it strictly the financing mechanism. Ms. Zambarano asked if it is to buy it or not. Ms. Mercer clarified. Ms. Rector asked if it is under the terms of this agreement. Ms. McMains responded yes. Mr. Odit said it might be beneficial to explain the quandary brought about by UJFD not extending the vote beyond November 4<sup>th</sup>. He said he doesn't know what their response will be if the vote is not warned tonight.

Ms. Mercer said there were a lot of snafus from when the financing arrangements started to gel and getting through full process where UJFD and the Selectboard voted on the same things. She said by the time they had an agreement which was validated by both it was September 18<sup>th</sup> and there was only six weeks until the vote. She expressed concern about whether that is enough time. Ms. Mercer discussed the uncertainty of what will happen if it is not put on the November 4<sup>th</sup> ballot, noting UJFD has a legal right to sell the property to anyone. Ms. McMains discussed the reasoning for choosing November 4<sup>th</sup> as the date to vote on the agreement. She said the Selectboard feels they have a responsibility to inform everyone before the vote happens.

Mr. Brehm said if we say no to the vote on November 4<sup>th</sup>, we are still an interested party in the negotiating process. Ms. McMains said she doesn't think so, discussing the concerns. The Selectboard discussed the process for adding something to the ballot. Mr. Palmer asked how the Selectboard perceives the process to be different whether the sale is to a developer or the Town of Jericho. Ms. McMains discussed the history and the reasoning for the process that has occurred to date. She said if the property is sold to a developer the only public input would be at a Development Review Board (DRB) hearing. Mr. Palmer clarified that anything that occurs with the property would go through the DRB process. Ms. McMains agreed, noting the Community Development Corporation's (CDC) role.

Ms. Wright asked for a definition of the colors on the maps. She also asked why November 4<sup>th</sup> is such a sticking point for the Fire Department. Mr. Odit described the colors on the maps. He noted the agreement with UJFD is that they would retain about 10 acres near the gravel pit for training, indicating the location on the map where they currently train. Ms. Rector asked what zoning district the area the Fire Department wants is located within. Mr. Odit responded it is Rural Residential, noting everything is except along Plains Road. Ms. McMains responded to the second question, saying the Selectboard doesn't know. She said they feel it is a valid agreement that was negotiated in good faith. She noted it was UJFD's goal to have it sold by the end of the year. Mr. Odit said the message was that the Rivers Land Committee voted unanimously not to extend the vote beyond November 4<sup>th</sup>.

101 Ms. Rector said the people at the meetings in the Jericho Community Center were concerned about the fact that  
102 an organization that is supposed to serve the Town is trying to make money off the Town, saying she doesn't see  
103 where that is in the agreement. She stated the agreement isn't a legal document, just general principles, and she  
104 doesn't see how citizens could vote on this. She discussed an example of wording in the document. Ms. Rector  
105 expressed concerns about legal documentation having different meaning and not having enough information to  
106 make an informed decision. She discussed possible outcomes of moving forward with the agreement, saying she  
107 sees a lot of red flags in the agreement.

108  
109 The Selectboard discussed the agreement and who will benefit, noting the ballot wording includes the worst  
110 case scenario. Ms. Rector clarified that if the Town ends up taking a bond in the end, we would end up paying  
111 interest twice. Mr. Odit clarified that if the Town made interest only payments for 29 years and bonded in the  
112 30<sup>th</sup> year that would be the case. Ms. McMains explained the rationale in the timing and the thought process  
113 behind the timing of principle payments. She also discussed the rationale for the interest rate in the agreement.  
114 She noted UJFD has to subdivide the land before anyone can buy it in order to split off the land they want to  
115 keep for training.

116  
117 Ms. Mercer responded to the question about why UJFD did not agree to postpone the vote by reading e-mails  
118 between Mr. Nulty to Randy Clark Sr. She said the response does not address concerns and the explanation for  
119 requesting additional time. Mr. Zambarano asked if the Selectboard talked to a bank. Mr. Odit said no; noting  
120 the negotiating committee included Mr. Nulty, Mr. Odit, Mr. Foote, and Ms. Murray. Mr. Zambarano clarified the  
121 Town didn't ask a bank about a mortgage. Ms. McMains agreed, noting the interest rate is lower. Mr.  
122 Zambarano expressed concerns about the financing details in the agreement. Ms. McMains discussed the  
123 reasoning for agreeing to the financing terms. Mr. Zambarano, Ms. McMains, and Mr. Odit discussed the  
124 implications, including some examples. Mr. Foote clarified that the 60/40 split only kicks in after money has been  
125 generated from the property over the purchase price and any costs to develop property. He discussed the how  
126 the loan could be paid down.

127  
128 Mr. Brehm asked about the appraised value. Ms. McMains stated they obtained two independent appraisals  
129 resulting in a range between \$1.06 million and \$1.6 million, noting UJFD's target price. She discussed how the  
130 committee decided on \$1.24 million, with some addendums. Mr. Bartlett said the property is assessed at  
131 \$731,500; why are we paying more than the assessed value. Ms. McMains responded that the assessment is not  
132 market value. She and Mr. Odit discussed the two appraisals and the approaches used. Mr. Brehm asked about  
133 the comps used. Ms. McMains said the appraisers looked at developable land. Mr. Brehm agreed with the  
134 person who said it is hard to vote when there is no concrete plan, discussing an example. The Selectboard  
135 discussed possible future uses of the property.

136  
137 Mr. Bartlett discussed a conversation he had Mr. Clark, noting he thinks UJFD would do the Fire Department and  
138 the Town a favor if they sold it to a developer. The Selectboard discussed public concerns and Fire Department  
139 internal votes. Mr. Palmer asked if the two independent appraisers were they privy to the agreement. Mr. Odit  
140 responded that there was no agreement at that time. Ms. Mercer asked if they were privy to the developer's  
141 offer. Mr. Odit stated that came after the appraisals. Mr. Palmer discussed efforts to market the property, noting  
142 the marketability of this property is nowhere near as great as UJFD or the Selectboard thinks. He discussed the  
143 property. The Selectboard and Mr. Palmer discussed the value of the land and the possibility of development.  
144 The Selectboard and those present discussed the gravel pit, including the Act 250 permit and the bond.

145  
146 Ms. Rector suggested that it be researched further, noting that the costs could be more in the future. She asked  
147 why the cost to restore the land wasn't included, noting it could be a very significant expense. Ms. McMains said  
148 UJFD has to subdivide the land to keep the part they want. She noted the gravel pit is still making money and  
149 there is a permit on it. Ms. Rector and Ms. McMains discussed the matter further, including the implications on

150 the budget process. Ms. Blake asked if the gravel pit portion has to be bought. Ms. McMains said not  
 151 necessarily. Ms. Blake asked if UJFD could keep it and the cost be reduced. Ms. Mercer noted the vote is for the  
 152 current agreement, as it is. Ms. McMains said they have to subdivide before selling the property and it may be  
 153 easier to do so along the ridge. The discussion of the gravel pit continued, including the status of the permit.  
 154

155 Mr. Coles said the permit expires in 2016. He discussed the location of the gravel pit, noting that it could become  
 156 landlocked if subdivided along the blue line on the map. Mr. Odit said those spots aren't exact, noting UJFD  
 157 wants 10 acres. Mr. Coles said if it was done there, there wouldn't be access to that property. Ms. Wright  
 158 clarified that we pay taxes to support the Fire Department. Ms. McMains agreed. Ms. Wright asked whether  
 159 UJFD feels they are not supported by their community. She said she is having a tough time understanding it  
 160 since we have supported them with new equipment, EMTs, and staffing.  
 161

162 Ms. Mercer said this was a gift to them because of the love of the Fire Department; it wasn't gifted to the Town.  
 163 She discussed UJFD structure and funding, noting it is different than municipal fire departments. Ms. Wright said  
 164 as a taxpayer if she doesn't agree, the only recourse she has is to vote no to this or to their budget. Ms. McMains  
 165 said they went into this as a Town responding to concerns about development and now it is up to the community  
 166 to decide if it was the best way to proceed.  
 167

168 Mr. Kramer said the relationship between the Town and the Fire Department has been contentious for years,  
 169 asking if we can change it for the better. He said if not, this seems to tie us closely together for the next 30 years.  
 170 He asked if we could do something cleaner with the financing. Ms. McMains agreed it is something to consider.  
 171 Ms. Blake asked about the possibility of not funding the Fire Department at Town Meeting since they would be  
 172 getting all this money from us. Ms. Zambarano stated we have a special agreement with them that does not  
 173 allow us to vote their budget down as long as they have a mortgage.  
 174

175 Ms. Rector discussed alternative ways of moving forward, including filing a complaint with the Attorney General  
 176 to repeal non-profit status. She said as long as they have a mortgage on the property we have no leverage and  
 177 we have no say over when they can enter into mortgages. Ms. McMains said they are aware of that and working  
 178 with the Chiefs to be more open; talking about budgeting and these issues. She said that is a different meeting.  
 179 Ms. Rector discussed her concerns relating to the Fire Department's saying no to the delay. She also discussed  
 180 possible implications of the Fire Department moving forward with selling the property privately. She said the  
 181 negotiations need to result in something that works for both of us, noting the current agreement is a good deal  
 182 for Underhill and the Fire Department.  
 183

184 Mr. Foote stated he feels that they negotiated the best deal that both parties would agree to. Ms. Rector asked  
 185 whether this is a wise question to put forward to the Town. Ms. Mercer said the Selectboard wanted to bring the  
 186 discussion out of Executive Session and have this discussion in public. Mr. Brehm raised concerns about third  
 187 parties that could impact the ability to develop the land. He said unless there is a plan that says what we want to  
 188 do with the property, we cannot assess the risk. Ms. McMains said this is an interesting discussion, noting that  
 189 last fall it was very contentious and it seemed clear that people wanted the Town to step in and do something.  
 190 Ms. Mercer said that was one possibility, agreeing that no one was happy with the way it was going.  
 191

192 Mr. Brehm and Ms. McMains discussed the timing of a decision and the risk involved. Mr. Emerson asked about  
 193 the interest rate recalculation section of the agreement. He also asked about where the money that is put into a  
 194 trust goes. Ms. McMains explained how the trust would work and the reason it will be established. Mr. Emerson  
 195 asked what would happen to that trust if the Fire Department is done away with. Ms. Rector stated it would go  
 196 back to the towns, noting Underhill owns 40%. Mr. Emerson asked when the 60/40 split runs out. He said he has  
 197 not heard anything good about the relationship with the Fire Department and asked why he would ever hook  
 198 himself in. He discussed an example. Mr. Emerson discussed financing with a bank, noting the Fire Department  
 199 would not agree to the same price if a bank is used. Ms. McMains agreed.

200 Mr. Foote noted that the agreement says the Town, at its discretion, can pay off the loan anytime without  
201 penalty. He said the financing mechanism gives us a way to go forward. He discussed the financing arrangement  
202 further, including timing of repayment. Mr. Foote said this agreement will secure for the community the  
203 opportunity to decide what happens to this land, based on a public process and a vote. He discussed examples.  
204 Mr. Brehm and Ms. Mercer discussed the impact of putting it on the ballot for November 4<sup>th</sup>.

205  
206 Mr. Stevens said he believes that with the current agreement the Town has to employ the Fire Department or  
207 give them money, but the Town has a choice in the amount. Ms. Mercer said that secures the Fire Department's  
208 position as our Fire Department. Mr. Stevens and the Selectboard discussed the UJFD budgeting process. Mr.  
209 Stevens asked if at any point during the negotiations the Town came up with an alternative way to purchase the  
210 property without a Town vote. He asked if the asked whether there would be any rules about what changes  
211 could be made if the house and barn are subdivided and sold. He discussed extreme examples. Mr. Odit said a  
212 lot of things were discussed during the negotiations, but this is what was agreed on. The Selectboard and Mr.  
213 Stevens discussed the negotiation process further. They also discussed the role of the CDC.

214  
215 Mr. Palmer asked if there was a precedent for a municipality purchasing a property and handing it off to a  
216 developer. Ms. McMains responded that it was vetted through an attorney and that is why the language on the  
217 ballot is the way it is. Mr. Palmer voiced concerns about towns that have been involved in transactions that  
218 turned out badly. Ms. McMains said that was one of the reasons for forming the CDC. She and Mr. Palmer  
219 discussed other CDCs in the state and their purposes. Mr. Stevens asked for a response to his question about any  
220 restrictions on sale of the house and barn. The Selectboard responded that it would be done through the normal  
221 selling process.

222  
223 Ms. Mercer clarified the discussion is about the possible ballot warning, not about what would happen with any  
224 part of the land. Ms. McMains clarified the question is whether we want to buy it for \$1.24 million. Mr. Palmer  
225 said this piece of real estate is not necessarily worth that amount just because the Fire Department says it is  
226 worth \$1.5 million. Ms. McMains responded that was the reason for two independent appraisals. She and Mr.  
227 Palmer discussed the appraisals further.

228  
229 Ms. Zambarano asked whether the Selectboard is going to warn the vote or not. The Selectboard responded  
230 that they don't know yet, but if they do it will be done publicly in this meeting. Ms. Zambarano stated there has  
231 not been a shift in thinking, noting she was part of the original Save the Rivers' Property group. She discussed  
232 changes that occurred and her decision to leave the group. She expressed concerns about the deal, asking why  
233 we are playing with a bully. Ms. Mercer said our neighbors are on the Fire Department and they are volunteers.  
234 She said we, as people, should not have issues with our neighbors who are volunteering on the Fire Department.  
235 She discussed the rationale for putting this on the ballot and getting the feedback from the Town. She and Ms.  
236 Zambarano discussed the matter further.

237  
238 Mr. Kramer discussed the background of the issues and the discussions that began last fall. He said Alice Rivers  
239 wanted that land kept open and UJFD had no need for the money. He said he would like us to respect her  
240 wishes, which are written everywhere. Mr. Kramer discussed his concerns further, noting he tried to talk with  
241 the Fire Department and they wouldn't discuss it with him. He said since individuals cannot work with them,  
242 they asked the Selectboard to get involved, but that didn't necessarily mean buy the property. He asked about  
243 the Town's influence over the Fire Department. The Selectboard discussed the matter with Mr. Kramer.

244  
245 Ms. Rector raised concerns about the Fire Department; saying we are not tearing the Town apart, they are doing  
246 it. Ms. McMains reminded everyone that these are our neighbors, who risk their lives. Ms. Mercer noted UJFD is  
247 a 100 year old organization. Ms. Rector asked whether the agreement with them benefits the Town anymore.  
248 She said she raised the question a year ago and no one has answered that, noting many other questions that  
249 were raised at the time with no response. Ms. Mercer stated that is the reason they are paying attention to this.

250 She said they didn't want the two to be intertwined. Ms. Rector stated the Rivers' property is a symptom of a  
251 larger disease; if you treat a symptom, the disease is still there. Mr. Zambarano asked if Selectboard believes  
252 purchasing the property is the only way to control what happens on that property. Ms. Mercer responded that is  
253 not her view. Mr. Zambarano and the Selectboard discussed other possible ways to address the concerns.

254  
255 Mr. Zambarano said the idea that on November 5<sup>th</sup> they are going to sell to a developer and have a DRB  
256 application is ridiculous, especially with the question about the remediation of the gravel pit. He said this isn't  
257 necessarily an immediate issue. He asked if there is a way we can affect the process without owning the  
258 property. Ms. McMains discussed other possibilities, noting they all take time. Mr. Bartlett stated that no matter  
259 how this turns out, we have one of the best fire departments in the state. He noted that a developer should look  
260 at the barn and come up with a valuation, saying it is not in good shape and could be costly. Ms. McMains said  
261 there are no plans for the property yet, just ideas.

262  
263 Ms. Blake asked what a PUD is. The Selectboard explained what a PUD is and how they work. She noted the  
264 current revision of the regulations increases the open space requirements. Mr. Foote noted that wouldn't affect  
265 the Village Center. Mr. Odit clarified it wouldn't affect the 15 acres, but it would affect the rest of the property.  
266 Those present discussed other possibilities. The Selectboard noted that Mr. Nulty has a lot of the details, so it is  
267 unfortunate he isn't here tonight. Mr. Coles asked about the future of the gravel pit; whether it would be leased  
268 or the contract renewed after an agreement is executed. Mr. Odit said under the agreement, the Town would  
269 end up with the gravel pit and wouldn't renew it beyond the permit. Mr. Coles and Mr. Odit discussed the  
270 matter further.

271  
272 Mr. Kramer stated none of the issues he has had were with the firefighters, just with the business side of the Fire  
273 Department. He expressed appreciation for the hard work and risks the firefighters undertake. Ms. Wright  
274 stated she appreciates that the Selectboard took this issue up and continued this conversation. She said she  
275 generally doesn't have an opinion on the property, but she has a big opinion about the Town financing this. She  
276 discussed the process, saying the agreement is a bad deal for the Town and suggested not putting it on the ballot  
277 in November. Ms. Wright invited Mr. Nulty to post a video if he has additional information that would be helpful.  
278 She said she is very concerned about seeing this on the ballot.

279  
280 Ms. Mercer said she has some of the same questions, including whether this is good for the entire Town. She  
281 said they want feedback and she is glad the public discussion is occurring. She asked if people don't want it on  
282 the ballot, whether they want this process to continue. Ms. Zambarano suggested allowing it to go through due  
283 process. She and Ms. Mercer discussed the matter further.

284  
285 Ms. Rector discussed the varying positions of people in Town. She suggested having a ballot item in November  
286 asking whether the Town should pursue an agreement. She stated some people think the Fire Department  
287 should keep the land open out of their moral imperative. Ms. Blake said she doesn't trust that the Fire  
288 Department would keep it open and she knows a lot of people who want to keep that from becoming a field of  
289 houses. She expressed concern about turning it back over to the Fire Department. Mr. Emerson clarified the bad  
290 relations with the Fire Department he mentioned had to do with finances, not with the Fire Department as a  
291 whole. He said they do a very good job; it is just the issues we are talking about here. Ms. McMains discussed  
292 the difficulty of separating the business from the firefighting.

293  
294 Mr. Kramer expressed his views, saying he has no problem with it being sold, just concerns about it being kept  
295 open. He said she wanted it to benefit UJFD. Mr. Coles said he spoke with her just before she passed. He  
296 discussed his conversations with her, saying her wishes should be honored. Ms. Mercer said she is not prepared  
297 to put it on the ballot, noting she doesn't believe that by putting it on the ballot she is advocating for it. She said  
298 there are a lot of questions. Ms. McMains said the public wanted input in the process and there may have been  
299 other ways of doing it. She discussed different viewpoints, saying it is not ready for the ballot. The Selectboard

discussed the matter further. Mr. Odit asked the Selectboard about the idea of an advisory question as put forward by Ms. Rector. The Selectboard discussed the matter with those present, agreeing that would be a good idea.

Mr. Carter suggested providing some information about the process to the public. He said there are a lot of misconceptions about the process and the opportunities. Ms. McMains agreed, noting there would be as much discussion before November as possible. The Selectboard and Mr. Odit discussed the process for an advisory ballot item and how they would get information out to the public. Ms. Rector suggested that if the advisory vote passes there should be a public forum before going back to negotiate. Those present discussed the matter further, including the reason for the delays and timing. Ms. Mercer noted that the agreement says it will be voted on November 4<sup>th</sup> and since it will not be on the ballot, it will be null and void.

Ms. Blake asked if the land trust was involved in the process. Ms. McMains answered yes, discussing their involvement. She said there was a lot of discussion about keeping the land open and a lot about development, but the agreement just says to benefit the Fire Department, allowing here to live in the house. Ms. Blake asked about their involvement in the negotiations. Ms. McMains discussed the land trust's involvement. Ms. Mercer noted that they could be the fiduciary.

Mr. Zambarano noted that the Fire Department is incentivized to sell to the Town or a developer where they hold the note because the interest is free cash flow to them; it does not go into the trust. Mr. Odit stated their preference was not to hold a note, saying he was in the negotiations. Mr. Zambarano and the Selectboard discussed the rationale for the financing mechanism further. Those present discussed the wording for the advisory ballot item.

Ms. Rector suggested the Selectboard request that the Planning Commission (PC) change the zoning in that area, referring to the Town Plan references to open space and gateways. Those present discussed the zoning districts and how they were established. Ms. McMains stated the PC has a lot on their plate, noting the work they have in process. Mr. Odit suggested referring the matter to the PC and seeing what they say. Mr. Foote agreed that it is on the plate. Ms. McMains said probably not real quickly. Ms. Rector said Act 250 is not real quick either, so let's be proactive.

### **3. Warn Rivers Property Acquisition Vote for November 4<sup>th</sup>.**

On a motion by Ms. Mercer, seconded by Ms. McMains, **the Selectboard approved putting the following language on the ballot for the November 4, 2014 election: Should the Selectboard, on behalf of the Town, pursue the purchase of the property from the Fire Department for all or portions of the property at 275 Browns Trace Road, also known as the "Rivers property"?** After further discussion, the motion passed 2-0.

Ms. McMains stated the item would be on the ballot as an advisory question, noting the Selectboard would post information on the website and Front Porch Forum, including a FAQ. She said they will also continue to discuss the issue at forthcoming Selectboard meetings. She noted there will not be a special meeting because it is not a binding item. Ms. McMains said they are trying to do what is in the best interests of the Town, while minimizing the cost.

### **4. Approve minutes 9/18/2014.**

On a motion by Ms. McMains, seconded by Ms. Mercer, **the Selectboard approved the minutes of 9/18/2014 as amended.** The motion passed 2-0.

347 **5. Other Business.**

348 Ms. Mercer asked about the new open meeting rules. Mr. Odit explained the changes in the rules, noting the  
349 biggest change is for towns that have a website they are required to post stuff. He said we have always had to  
350 have minutes available within five days.

351

352 Ms. McMains stated Open Studio will be held this weekend, noting there are a lot of good artists. She and Ms.  
353 Mercer discussed the event, including her daughter's work being on sale.

354

355 **6. Approve Warrants of 10/3/2014.**

356 The Selectboard members signed the warrants.

357

358 On a **motion** by Ms. Mercer, seconded by Ms. McMains, **the Selectboard adjourned at 9:37 p.m.** The motion  
359 passed 2-0.

360

361 Respectfully Submitted,

362 Amy Richardson

2  
3 **Selectboard Meeting**  
4 **October 16, 2014 at 7:00 p.m.**  
5 **Jericho Town Hall, 67 Vermont Route 15**  
6

7  
8 **Members present:** Tim Nulty (Chair), Catherine McMains, Kim Mercer  
9

10 **Others present:** Todd Odit (Town Administrator), Amy Richardson (Secretary), Nick Warner, Mike Charter, Robin  
11 Bartlett, Richard Kemmer, Pat Bartlett, Sonja Schuyler, Andrew Levi, Amy Morse, Livy Strong, Tracie Wright, Mike  
12 Kramer, Jim Adams, Steven Schwartz, David Villeneuve, Bob Mulcahy, Don Foote, Stuart Alexander, Lisa Rector  
13

14 The public hearing was called to order by Mr. Nulty at 7:00 p.m.  
15

16 **1. Public Comment.**

17 Mr. Kemmer said, although he no longer lives in Jericho, he owns property in Jericho. He stated he thought the  
18 issue about the LED sign was done. He discussed some of the history of the issue. Mr. Kemmer said in July there  
19 was a Development Review Board (DRB) meeting that he was unable to attend, so he sent them a letter. He  
20 provided copies of the letter to the Selectboard. Mr. Nulty asked whether it was the Planning Commission (PC)  
21 or the DRB. Mr. Kemmer clarified it was the PC. He discussed the letter and his concerns about the regulations,  
22 noting he thought the PC would come back to the Selectboard with a recommendation that included a better  
23 definition of signs and where they would be appropriate, but that was not the case. He discussed his efforts and  
24 the information provided, including two technical articles.  
25

26 Mr. Kemmer said the PC came back with a definition that basically allows them in any district if it is a municipal  
27 building. He said he thought that the Selectboard would take issue with that and put some restrictions on it; he  
28 is not happy that the PC is taking something that is a conditional use in Rural Residential and allowing something  
29 that none of the other residents in the district can do, that is the wrong end of the spectrum. He read from  
30 meeting minutes, noting the recommendations that were made to the Selectboard. Mr. Kemmer discussed his  
31 concerns further, including the reasoning. He suggested that the PC is getting input from someone else, noting  
32 that he does not know where. He asked the Selectboard to follow up with the PC to preserve the rural nature  
33 and characteristic of the Town.  
34

35 Mr. Kemmer stated there should be a distinction of use from zone to zone to zone. He said the PC asked the  
36 Selectboard not to do that; he hopes the Selectboard will ignore them and maintain the rural characteristic. He  
37 asked the Selectboard when they would make a decision. Ms. McMains responded they made a decision to not  
38 allow LED signs. Mr. Kemmer and the Selectboard discussed the timing and the process of changing the  
39 regulations. They also discussed the status of the PC recommendation. Mr. Kemmer asked the Selectboard that  
40 if the PC comes with that recommendation that it is declined due to rural nature of the Town. He said they  
41 should do everything they can to fight off urbanization and he hopes they do.  
42

43 Ms. Wright said if that proposal comes to the Selectboard, she hopes they approve it. Ms. McMains noted the  
44 Selectboard does not approve anything without public hearings. Ms. Mercer asked Ms. Wright if she is on the  
45 School Board. Ms. Wright said no. Ms. Mercer said the Selectboard would like to talk to someone on the Board  
46 to understand their argument. Mr. Kemmer said he did talk to the School Board prior to the decision, but they  
47 refused to take a position until the DRB ruled.  
48

49 Mr. Nulty discussed changes to the order of the agenda.  
50



51 **2. Winooski Valley Park District - Nick Warner.**

52 Mr. Warner said he is the Executive Director of the Winooski Valley Park District. He said he would like to make  
53 an annual visit, noting he is going to all seven member towns to improve communication. He noted he sent the  
54 Selectboard some presentation materials. Mr. Warner discussed who they are, noting they have 42 years and  
55 over 1,700 acres of conservation property that they manage. He also discussed funding, noting that Jericho has  
56 always been a great partner. Ms. Schuyler said she is Jericho's representative on the Winooski Valley Park  
57 District Board.

58  
59 Mr. Warner stated there is one trustee from each town. He said he is going to be involved in the budgeting  
60 discussions. He said they are a creature of municipal government, noting they are a legal municipality and a  
61 501(c)(3) non-profit. Mr. Warner discussed fundraising, noting they are strictly conservation management and  
62 their land portfolio grows incrementally. He discussed staffing, noting the district is an efficient organization. He  
63 discussed how they function, noting their dependence on municipal partners, other non-profits, and hundreds of  
64 volunteers each year. Mr. Warner stated that all of the parks are free and open to the public.

65  
66 Ms. Mercer said she uses the Jericho Park a lot. She said there is a sign saying no fires, but there are always fires;  
67 asking what she should do. Mr. Warner said to let them know. He discussed their response and outreach. Ms.  
68 Mercer asked about the policy. Mr. Warner stated that any change of policy can go through the Board of  
69 Trustees. He said sometimes it can be managed by creating a safe area to build fires, but he did not know the  
70 history. Ms. Mercer noted that the banks are eroding really fast and trees are falling. She discussed what is  
71 happening; asking about the policy or plans. Mr. Warner said this was extremely controversial a couple of years  
72 ago. He said they want to leave things as natural as possible, but also maintain recreation; erosion is a huge  
73 issue. He discussed efforts to control erosion and the tradeoffs they have to balance. Ms. Mercer, Mr. Warner,  
74 and Ms. Schuyler discussed the matter further, including swimming holes, current conditions, and liabilities. The  
75 Selectboard thanked Mr. Warner and Ms. Schuyler for their time.

76  
77 **3. Warn Town Plan Amendment Public Hearings.**

78 Mr. Odit said there are very limited amendments. He said the main driver is that in order to renew the Village  
79 Center designation, the boundaries must be included in the Town Plan. He said our designation expired, but we  
80 have an extension. Mr. Odit discussed the timeline and the deadline for submission. He noted the maps with  
81 boundaries and the language on flood plain resiliency have been added. He said according to statute, we have to  
82 warn two public hearings.

83  
84 On a motion by Ms. McMains, seconded by Ms. Mercer, **the Selectboard warned public hearings to hear**  
85 **comments regarding the Proposed Jericho Comprehensive Town Plan 2014 Update on November 18<sup>th</sup> at 10**  
86 **a.m. and November 20<sup>th</sup> at 7 p.m.** The motion passed 3-0.

87  
88 **4. Warn Form Based Code Amendment Hearing.**

89 Mr. Odit said the Selectboard has the PC report, as well as the version they discussed. He noted how the items  
90 that are proposed to be deleted are indicated. He said the Selectboard can either warn the original document  
91 and treat PC recommendations as comments; or warn the version the PC recommends, which is staff's  
92 recommendation considering the time the PC put into it. He noted a lot of the issues that were raised at the first  
93 couple of meetings were addressed in the revisions.

94  
95 Mr. Nulty asked about the status of what the PC worked on. Mr. Foote discussed the work the PC did, including  
96 meetings held and public hearings. He said the PC ended up sending a series of comments to the consultant for  
97 responses. He discussed the considerations and the consultant's responses. Mr. Foote said the changes  
98 recommended will not change the heart of the code, so that was an addendum they attached and a  
99 recommendation of changes that they recommend for adoption.

101 The Selectboard and Mr. Odit discussed the changes recommended. They also discussed how to approach the  
102 warning for public hearing. Ms. Mercer said she read the memo and it seems that some PC members would like  
103 to strike the architectural standards all together. Mr. Foote said there are a range of perspectives from public  
104 comments and from PC members. He discussed the range of views. He said they spent a lot of time discussing  
105 the code and are trying to move it forward. Mr. Foote said they came to agreement on the recommendation;  
106 while not everyone is crazy about the design standards philosophically, the comments from the consultant and  
107 the changes were an improvement over the first draft. He discussed the motions the PC voted on, noting they  
108 approved forwarding the PC report with an addendum, including the consultant's proposed changes, and to  
109 recommend that the Selectboard take those as changes that could be made to the regulations if they are  
110 adopted. The Selectboard discussed the matter further.

111  
112 On a motion by Ms. McMains, seconded by Ms. Mercer, **the Selectboard warned a public hearing on Thursday,**  
113 **November 20<sup>th</sup> at 7 p.m. to hear public comments regarding the proposed amendments to the Jericho Land**  
114 **Use and Development Regulations.** After further discussion, the motion passed 3-0.

115  
116 **5. Approve Application for Village Center Designation for Jericho Center.**

117 On a motion by Ms. Mercer, seconded by Ms. McMains, **the Selectboard approved applying for a Village Center**  
118 **Designation for the Jericho Center area.** The motion passed 3-0.

119  
120 **6. Review Draft Fiscal Year 2016 (FY16) Capital Budget.**

121 Mr. Odit gave an overview of potential projects for the next year, including the following:

- 122 • Highway Garage fire alarm, recommendation from Underhill-Jericho Fire Department;
- 123 • Jericho Center Library expansion, the final presentation will be made in December;
- 124 • Town Hall Bond debt service;
- 125 • Paving, contemplating combining current fiscal year and next fiscal year into one project to get a better deal;
- 126 • Gravel road improvements;
- 127 • Update of public works specifications;
- 128 • Jericho Center Traffic Calming, will hold a discussion regarding implementing some of the changes  
129 recommended by the engineers;
- 130 • Bridges and culverts improvements;
- 131 • Equipment and vehicles;
- 132 • Needs assessment for recreational facilities, discussed previously;
- 133 • Hopeful construction of sidewalk in the Center to Pratt Road;
- 134 • Lee River to Corners scoping study; and
- 135 • Vermont Route 15 crossing improvements.

136  
137 Mr. Odit said this is a first draft that will be refined and will go through the public hearing, noting it would be left  
138 open until the budget is adopted to allow for changes. Ms. McMains asked when the presentation of the  
139 Transportation Plan would occur. Mr. Odit said they are trying to wrap that up, noting that recommendations  
140 from the draft are included in the draft capital budget.

141  
142 **7. Discuss Status of Rivers Property Negotiations and Vote.**

143 Ms. McMains said the Selectboard heard a lot of comments at the last meeting and since there was such a  
144 change in the process, they thought discussions should continue about what this non-binding vote means. She  
145 said that is the reason it is on the agenda tonight and is open for public discussion. Mr. Nulty stated his view is  
146 that an open-ended discussion is meaningless; he is very skeptical of ideological questions being posed. He said  
147 local business ought to be more pragmatic, i.e. prices, terms, and conditions should be included. The  
148 Selectboard members discussed the reasoning for the agenda item further. They also discussed possible  
149 outcomes and the reasoning for the vote.

150 Ms. Rector said the Fire Department, at the last meeting, indicated they said a vote needed to take place in  
151 November. Mr. Nulty stated the Fire Department has a negotiating committee of the Fire Department's Rivers'  
152 property committee. He said after negotiations were finalized, the Selectboard voted on the actual deal, but the  
153 Fire Department membership voted on a different document. Ms. Rector said she is aware, but we heard at the  
154 meeting two weeks ago that the Selectboard asked to delay the vote to Town Meeting and the Fire Department  
155 said no. Ms. McMains clarified it was the Rivers' negotiating committee.

156  
157 Mr. Nulty discussed the history of the agreement, the votes held, and the timing. He said because of the delay,  
158 the Selectboard concluded there wasn't enough time to hold a vote on November 4<sup>th</sup> and asked the Fire  
159 Department to postpone the vote. He stated the Fire Department didn't vote on that; the Rivers' committee  
160 said they would prefer not to delay the vote. Ms. Rector said the e-mail read to us was something different. She  
161 asked if we have heard anything further from the Fire Department since last meeting. Mr. Nulty and Ms.  
162 McMains said no.

163  
164 Ms. Mercer said the question is good. She asked if there is a possibility that we are going to vote on this deal on  
165 Town Meeting Day. Mr. Nulty said he has no idea. Ms. Mercer asked if he has spoken to anyone about it. Mr.  
166 Nulty said the Fire Department, as an official entity, never responded; the Rivers' committee responded. Ms.  
167 Rector said the e-mail read at the last meeting from the Rivers' committee included a clear statement that the  
168 agreement said it had to be voted on in November; it is likely the agreement will become null and void because it  
169 will not be voted on in November. Mr. Nulty said that was the implication, but whether the membership goes  
170 along with that we don't know.

171  
172 Ms. Rector asked what the next step forward would be. She said there are a large number of people here against  
173 the agreement for a variety of reasons, noting there are valid concerns from people. She discussed possible  
174 outcomes of the ballot vote. Ms. Rector suggested that if the Fire Department comes back to the negotiating  
175 table, the Selectboard use public feedback, noting she understands negotiations needed to be private. She said  
176 the process did not have any feedback sessions from those representing the Town to hear what townspeople  
177 wanted out of this effort. She said if this continues, there needs to be some feedback sessions.

178  
179 Mr. Villeneuve clarified that the negotiating committee doesn't have any power because it has to be voted on by  
180 the membership. He asked if the official response by the Fire Department is it that if you don't vote on the  
181 agreement by November 4<sup>th</sup> whether it is officially off because nothing else has been changed. Mr. Nulty said he  
182 personally does not know. Mr. Villeneuve asked who he could ask. Mr. Nulty responded the Fire Department.  
183 Mr. Villeneuve asked for clarification about what is in writing. Mr. Nulty explained the votes held to date. He  
184 said whether they interpret the failure to vote to mean the deal is off, he doesn't know. He said the Rivers'  
185 committee didn't say that; they said they would like to see the vote.

186  
187 Mr. Villeneuve asked what the official agreement says in writing. Mr. Nulty said it is ambivalent, noting it  
188 includes a statement that the Town would vote on November 4<sup>th</sup>, but there is no clarity that they will back out if  
189 there is no vote. Mr. Villeneuve asked about any correspondence with the Town and whether it is public. Mr.  
190 Nulty discussed correspondence received by the Town, noting it is all public record. Ms. Mercer said that is a  
191 good question, whether they are still at the table. She said in the meantime, we will find out if the Town wants  
192 us at the table. Ms. McMains said the negotiating committee, the Fire Department, and the Selectboard voted  
193 on the agreement and there were still a lot of details to be worked out. She said this allows more time to  
194 develop something more clear and detailed.

195  
196 Mr. Nulty said the agreement was very clear and concrete, with only one thing left to be negotiated: the question  
197 of collateral for the house. Ms. Mercer asked Mr. Nulty if he watched the video of the last meeting, noting a lot  
198 of concerns were raised. Mr. Nulty said that's legitimate, but the question is whether the deal worked out was  
199 clear and concrete; everything else was finalized, although people may not like it. Ms. McMains noted the other

200 thing left out was the area to be carved off. Mr. Nulty agreed that the precise definition of the area for training  
201 had not been identified. Ms. McMains said based on her discussion with the Town lawyer, the Fire Department  
202 has to subdivide the property prior to anyone purchasing it. She noted that with an Act 250 permit, it will be  
203 very difficult to subdivide the land, which is why we moved in a more generalized direction. Mr. Nulty said a  
204 lease could have accomplished the same thing. Ms. McMains and Mr. Nulty discussed the matter further.

205  
206 Mr. Kramer said he doesn't think that time was a complete waste. He said now we know what they want out of  
207 it and if we want to pursue it we can try other things. The Selectboard agreed. Ms. Schuyler asked whether a  
208 yes vote in November continues the process and a no vote says we are done. She said if that is the case that is  
209 simple enough to present to people before November. The Selectboard agreed. Mr. Nulty said if the Town says  
210 no, we are not going to negotiate further with the Fire Department; if the vote is yes, it may go forward. Ms.  
211 Mercer noted that legally the Fire Department could sell anytime. Mr. Nulty agreed.

212  
213 Ms. Mercer said she keeps hearing that the property should be subdivided before we take ownership; why isn't  
214 some conservation organization getting involved or working in conjunction with us. She discussed the  
215 possibilities, saying that the Town doesn't need to be the agent. She noted that having the Fire Department hold  
216 the note is not very popular. Ms. McMains agreed. Ms. Mercer stated that even people who are supporters of  
217 saving the property are not in favor of the deal. Ms. Schuyler asked if we are voting on the deal. The  
218 Selectboard members said no. Ms. McMains said the vote is on a non-binding resolution whether the Town  
219 should pursue purchasing all or portions of the property. Ms. Schuyler said the deal is on the website. Ms.  
220 Mercer said the website needs to be updated. Mr. Odit said he distributed information to the Selectboard  
221 members, but had not heard back from everyone. He said he would update it.

222  
223 Ms. Rector suggested it might be helpful to ask for a formal response from the full Fire Department to see if they  
224 are willing to continue after November. She noted that if they are not, the threshold question would be a moot  
225 point. Mr. Nulty stated they will not have a full meeting before the vote. Ms. McMains discussed the article in  
226 the newspaper and read the ballot wording. Ms. Schuyler clarified there would be no amount or deal. Ms.  
227 McMains said no, the question is whether the Town should even move forward. She said the primary part that  
228 everyone truly wants to save is the gateway and we went into the discussions thinking that the only way to keep  
229 costs down was to develop some portions of the property. She said if all that people want is to save the gateway,  
230 there are other mechanisms. Ms. McMains discussed possible approaches. She stated if the vote is yes, then we  
231 will take public input about how to proceed.

232  
233 Mr. Bartlett said if people are calling that the gateway to Jericho Center; why can't that continue without owning  
234 it. He said it is confusing the way it was presented. He said according to the newspaper, the Town is buying 115  
235 acres, a barn, a house, and a gravel pit. Mr. Bartlett asked why buy the gravel pit if we are not going to be in the  
236 gravel business. Ms. McMains stated there is not much value in the gravel pit. Mr. Bartlett said it is waste land  
237 and the barn is also a liability. He asked if the Selectboard members have been in the barn. Mr. Nulty said yes,  
238 he has been in it. He discussed the initial stages of the negotiations, which included an offer from a developer.  
239 He discussed the reasoning for the negotiations with the developer and some possibilities that the developer  
240 was considering, noting that they thought the barn was a valuable resource.

241  
242 Mr. Bartlett stated they must have a ton of money. Mr. Nulty said they stopped that negotiation, but his interest  
243 was to minimize the cost to the Town. He discussed what he wanted to see, noting they stopped negotiations  
244 because there were rumors that something nefarious was going on. He stated the Fire Department owns the  
245 property and got that offer. Mr. Nulty said we did learn a lot about what the property is worth, the development  
246 possibilities, and the revenue generating capabilities. Mr. Bartlett said the newspaper indicated that the gravel is  
247 an asset. The Selectboard members said it is a liability.

248  
249 Mr. Nulty left the meeting at 8:24 p.m. Ms. McMains assumed the role of Chair.

250 Mr. Villeneuve asked who the developer was. Ms. McMains said they agreed not to disclose. Mr. Villeneuve  
251 discussed a company that approached him and others in the area, noting they are crooked and he can prove it.  
252 Ms. McMains said the Selectboard's concern was, although it looked good on paper, it was subverting a public  
253 process. She said they wanted a public discussion. Ms. Mercer stated there are a lot of assumptions being  
254 made, discussing some of the assumptions. She said the big assumption was that the majority of the people in  
255 Town want the Town to buy the property. She said she is glad we are putting this question out and hearing from  
256 the public.

257  
258 Mr. Kramer agreed that the question is very good, whether everyone is for or against it. He said the next logical  
259 question is what the next step will be if we do want it. Mr. Odit responded that it would be to find out if the Fire  
260 Department wants to negotiate with us. Mr. Kramer asked what if that answer is yes. Ms. McMains stated there  
261 would be a more public process about what portion we want and what price we would pay. She said the Town  
262 doesn't need the responsibility of the Act 250 permit and the gravel pit. She said they are trying to resolve the  
263 issues from last November without tearing the Town apart.

264  
265 Ms. Wright asked about the status of the Community Development Corporation (CDC). Ms. McMains stated it  
266 has been formed. Ms. Wright asked if people have been appointed. Ms. McMains said yes, the charter has been  
267 filed with the Secretary of State. She said the official member of the CDC is the Town and it would be a  
268 mechanism if the Town votes yes to facilitate a public process to determine uses and vet developers, noting  
269 there would be taxpayer money involved. Ms. Wright asked about the funding. Ms. McMains discussed how it  
270 could work and the reasoning. She said any money earned by that would pay off the loan. She said the CDC  
271 activities will all be transparent and open to the public, following open meeting laws. Ms. Wright asked who is  
272 involved. Ms. McMains discussed the current participants and their qualifications. Ms. Wright clarified the CDC  
273 has no role in the negotiating process. Ms. McMains agreed, noting it is designed for future projects.

274  
275 Mr. Bartlett said no matter how this turns out, he thinks the Town of Jericho should get out of the real estate  
276 business, other than collecting taxes on property. He stated this is a big fiasco. Ms. McMains said it is important  
277 to have as many public hearings as possible because more and different people participate. She said they are  
278 trying to get as much information out there as possible. Mr. Bartlett said every time a farm comes up for sale,  
279 we don't need to own it. Ms. McMains agreed, discussing the reasons the Town is involved in this. Ms. Mercer  
280 thanked everyone for coming, reading the documents, and listening. She said the debate has been respectful  
281 and helpful. She stated she is grateful to live in this Town with such smart people. Ms. McMains said if people  
282 want to work to get the vote passed, it is in the hands of the voters. She said everything else will be up to the  
283 public after that.

## 284 285 **8. Other Business.**

286 Ms. McMains stated an artist reception will be held at the Town Hall on October 26<sup>th</sup> from 2 p.m. to 4 p.m. Ms.  
287 Mercer said she attended the Town Fair and Vermont League of Cities and Towns (VLCT) meeting. She discussed  
288 the meeting. Ms. McMains noted they should sign up for the big Selectboard institute. She and Ms. Mercer  
289 discussed the institute topics and level of detail. Ms. McMains asked about the lawyer request for qualifications.  
290 Mr. Odit said he will look them over to identify which ones he would recommend for interviews. He said the  
291 Selectboard could discuss it at the next meeting to arrange the interviews and develop the questions.

292  
293 Ms. McMains said since we are starting work on our capital budget, have we heard from the Fire Department  
294 about their capital budget. Mr. Odit said no. Ms. Mercer suggested sending an e-mail. Ms. Rector asked if that  
295 would be a public meeting. Ms. Mercer said a joint meeting would be public. Ms. McMains noted that work  
296 sessions with one Selectboard member and staff would not be public. Mr. Odit clarified work sessions are public,  
297 but not advertised as a meeting. Ms. McMains stated what comes out of those meetings would be public; we  
298 are trying to get more transparency, so people can follow the money.

299

300 Ms. Rector asked about the critical junctures for the budgeting process. Ms. McMains said the Town has already  
301 started with the departments. Mr. Odit said it is kind of new because last year was the most in depth since he  
302 has been here. Ms. McMains and Mr. Odit discussed the previous process. Ms. Rector asked if the Fire  
303 Department is able to take out mortgages and refinances without Selectboard approval. Ms. McMains said yes,  
304 noting they are trying to work on that. Ms. Rector asked if it is possible to ask those questions of them because  
305 that is a critical question impacting how she feels about their budget. Ms. McMains discussed efforts to  
306 renegotiate the contract. Ms. Rector expressed concern about quarterly payments without knowing where the  
307 money is going; with no supporting documentation. Mr. Odit and Ms. Rector discussed authorities and rights  
308 under the current agreement. Those present discussed the matter further.

309  
310 Ms. McMains said there will be joint capital budget meeting and that would be an appropriate time to ask the  
311 questions about the mortgage issue because the mortgage is coming to an end. Ms. Rector asked if the  
312 Selectboard suggested something in writing that we want to renegotiate the agreement; noting that if they  
313 proceed, that sends a clear message. Ms. McMains discussed the process to move forward as part of the budget  
314 process. She said it has to be a warned item on the Selectboard agenda to vote and hear public comment.

315  
316 **9. Approve minutes 10/2/2014.**

317 On a motion by Ms. Mercer, seconded by Ms. McMains, **the Selectboard approved the minutes of 10/2/2014 as**  
318 **amended.** The motion passed 2-0.

319  
320 **10. Approve Warrants of 10/17/2014.**

321 The Selectboard members signed the warrants.

322  
323 On a **motion** by Ms. Mercer, seconded by Ms. McMains, **the Selectboard adjourned at 8:50 p.m.** The motion  
324 passed 2-0.

325  
326 Respectfully Submitted,  
327 Amy Richardson

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Selectboard Meeting  
November 6, 2014 at 7:00 p.m.  
Jericho Town Hall, 67 Vermont Route 15

**Members present:** Tim Nulty (Chair), Catherine McMains, Kim Mercer

**Others present:** Todd Odit (Town Administrator), Amy Richardson (Secretary), Michele Boomhower, Calvin Caswell, Sean McCann, Carol Smith, Randy Clark, Mathew Champlin, Robin Bartlett, J. Brooks Buxton, Jessica Alexander, Stuart Alexander, Matt Thomson

The public hearing was called to order by Mr. Nulty at 7:00 p.m.

**1. Public Comment.**

Mr. Clark said he is not here representing the Fire Department, though he is a 33 year member and he spent 10 years as Chief. He stated some comments that he watched on the video of the last meeting about the Fire Department budget representation and preparation personally offended him. He gave examples of some of the comments. Mr. Clark said as Chief from January 2001 to 2011 he had work in preparation and presentation of the budget through Fiscal Year 2012. He said he spent many, many hours last year with Assistant Chief Champlin and the Town of Jericho providing additional information, answering questions, providing clarity on their intents, and they thought they had the Board's support.

Mr. Clark discussed how they approached the budget preparation and presentation during his tenure as Chief. He said they asked for questions and comments and believed they had the support of the Selectboards at that time. He noted a priority while he was Chief was to improve relationships with our Selectboards. Mr. Clark discussed efforts to improve communications with both towns, stating the comments he recall is that they were on the right track and they were doing the right things. He stated he fully supports that the Underhill-Jericho Fire Department (UJFD) needs to be fiscally responsible to all of the townspeople, their customers. He discussed a recent conversation with a potential new member who expressed concern about being able to hold the professionalism that UJFD portrays.

Mr. Clark said we need to think before we go after a special group of people who are willing to give above and beyond most all citizens. He said when the tones go out on his radio he goes into the station and puts his gear on never knowing what he will face. He discussed the types of calls they respond to and how gut wrenching they can be. Mr. Clark said the call may be to assist one of his neighbors and friends, noting he hopes to return to his family safely. He said please don't attack us like some out of control group; ask questions if you don't understand and let's work constructively. He said we can't afford to have firefighters that feel unappreciated; someday there may be no one to respond.

Mr. Nulty said the comments are heartfelt and accurate. He stated he hopes they have never gotten those feelings from something he said. He said he has been involved in the joint effort to improve the relationship and thinks it has been largely successful. Mr. Nulty discussed the efforts and progress made, noting the Fire Department has been honorable, straightforward, and professional. He said he does not feel that way and does not want to convey that. Ms. McMains stated she is sorry Mr. Clark feels that way; there was no intent by the Selectboard to make him feel attacked. She said over his tenure, he has improved communication with the Town. She said last year when she became involved, there was a lot of work in creating a template to help the townspeople understand the budget process. Ms. McMains said those were emotional meetings and unfortunately it is human nature that the negative is often dwelled upon but the positive is often forgotten very quickly.

51 **2. Appointment to Jericho Center Library Board - Carol Smith.**

52 Ms. McMains asked Ms. Smith about her interest in the Library. Ms. Smith said everyone is interested in the  
53 Town Library and having a very good community resource. She discussed her background and community  
54 involvement. She stated she enjoys the Library and being part of the community. Mr. Nulty said Treasurer is an  
55 important job. Ms. Smith agreed. Mr. Odit noted the vacancy is created by Karen Lawsing's retirement. The  
56 Selectboard thanked Ms. Smith and wished her good luck, noting the Town is fortunate to have so many  
57 volunteers and so few vacancies.

58  
59 On a motion by Ms. Mercer, seconded by Ms. McMains, **the Selectboard appointed Carol Smith to the open**  
60 **seat on the Jericho Town Library Board of Trustees.** The motion passed 3-0.

61  
62 **3. Chittenden County Regional Planning Commission (CCRPC).**

63 Ms. Boomhower stated she is the Assistant Director of CCRPC, managing the transportation program. She  
64 thanked the Selectboard members and staff for their roles with the CCRPC. She provided the Selectboard  
65 members with the CCRPC Annual Report, which she discussed including the following points:

- 66 • They are fortunate to be able to leverage municipal dues.
- 67 • Town of Jericho activities they provided assistance with included: Riverside/Underhill Flats Master Plan &  
68 Form Based Code; population forecasts; Local Emergency Operations Plan; meeting emergency relief  
69 assistance fund standards; Science to Action wildlife management inventory; commuter bus; Park & Ride;  
70 Jericho map viewer, an on-line service; traffic counts and inventories; and an update of transportation, bike  
71 and pedestrian plans, which are almost complete.

72  
73 Ms. Boomhower and Ms. McMains discussed updates to the Jericho Town Plan. Ms. Boomhower said all of the  
74 information is available through their website. She discussed a few transportation projects that are in process,  
75 including: the pedestrian bridge on Route 15; the Route 15 and Browns Trace Road intersection; and the pathway  
76 for Jericho Center. She also discussed upcoming opportunities and timelines to advance other projects. Ms.  
77 Boomhower provided an update on regional activities, noting the impacts on Jericho. She provided the  
78 Selectboard members with information on the Neighbor Rides program, briefly discussing the program and its  
79 importance.

80  
81 Mr. Nulty asked how to access the map program. Ms. Mercer stated a link was provided on the handout. Ms.  
82 Boomhower discussed how to access the program. Ms. McMains said she thinks the big thing will be the TMDL  
83 (Total Maximum Daily Load) for gravel roads. Ms. Boomhower agreed, noting there will be a lot of legislative  
84 time dedicated to that. She asked the Selectboard members to contact them if they need something. The  
85 Selectboard thanked Ms. Boomhower.

86  
87 **4. Discussion of 2015 Town Meeting Location.**

88 Ms. McMains stated Mount Mansfield Union High School (MMU) is quite interested in hosting. Ms. Mercer  
89 asked about the parking at Jericho Elementary School (JES) on Election Day. Ms. Alexander and Ms. Mercer  
90 discussed the parking situation. Mr. Nulty asked if there are any downsides. Ms. McMains said she thinks we  
91 need to make it more accessible, noting at MMU the voting can be in the KIVA and Town Meeting can be in the  
92 auditorium. Ms. Alexander discussed the reasons the gym cannot be used and the logistics.

93  
94 Mr. Caswell asked if anyone has researched how many seats there are in the MMU auditorium versus the JES  
95 gym. He noted he thinks there are fewer seats in the auditorium. The Selectboard members agreed that is a  
96 good question, noting they would look into it. Mr. Caswell stated he supports moving to MMU, he just wants to  
97 make sure there is enough room. The Selectboard, Ms. Alexander, and Mr. Odit discussed the matter further,  
98 include the timeline. Ms. Mercer asked Ms. Alexander to find out how many people have attended the past few  
99 years using the hand count votes. Ms. Alexander agreed, noting JES probably holds a maximum of 250 people.  
100 Ms. Mercer said she thinks we would need to have at least 300 seats. Mr. Odit said the seats are never full.



101 The Selectboard discussed the matter further with Ms. Alexander. Ms. McMains asked about room for childcare.  
102 Ms. Alexander said she hasn't asked about that yet. She noted the cafeteria is available for lunch because school  
103 is not in session. Ms. Mercer suggested reaching out to the School Board, since they meet after lunch. Ms.  
104 Alexander said she doesn't know what will happen with the merger. Ms. McMains asked Ms. Alexander to follow  
105 up on the capacity and a room for childcare, noting we want as many people to have access as possible. She said  
106 the Town is very fortunate there were items people wanted to vote on because we had a higher turnout than the  
107 statewide voting.

108  
109 **5. Discuss Providing Notice to Underhill Jericho Fire Department (UJFD) of Intent to Renegotiate Contract.**  
110 Mr. Odit said at the last two meetings the contract was brought up, specifically the section about the impact of  
111 UJFD mortgages. He stated he contacted the Town attorney to discuss the issue and he said the Town could  
112 provide the Fire Department with notice that we intend to renegotiate the contract. He discussed the impact of  
113 issuing such a letter. Ms. McMains stated the original agreement requires one year advance, written notice. She  
114 noted that last year during the budget discussion we talked about it and it seemed like the Fire Department felt  
115 the twenty year old agreement needed updating, but they also have roof issues. The Selectboard and Mr. Odit  
116 discussed the matter further.

117  
118 Mr. Champlin stated he is the First Assistant Chief of UJFD and they have no plans at this time, until 2017, to do  
119 anything with a mortgage. He said their Capital Plan includes a new mortgage to repair the building that will be  
120 twenty years old with all original finishes. He added that in previous meetings there has been a lot of discussion  
121 about that clause. Mr. Champlin stated the original contract signed did not include that clause, but it was added  
122 because the bank would not provide a mortgage on the property without the clause. He stated it was not put in  
123 by the Fire Department to tie the hands of either town. He discussed how the contract was revised in order to  
124 secure financing.

125  
126 Mr. Champlin said a lot of people in the Fire Department believe we have a twenty year contract. Mr. Nulty  
127 noted that is the duration of the mortgage. Mr. Champlin and the Selectboard discussed the matter further,  
128 including what collateral the Fire Department now has and loan requirements. Mr. Champlin reiterated the Fire  
129 Department has no plans until 2017 to take a mortgage. He said the leadership of the organization has had many  
130 discussions about the Department and its direction. He discussed some of the changes that have occurred over  
131 the years. Mr. Champlin said it may be time to change the organization to better meet the needs of the Towns,  
132 the public, and to be more involved with the planning, zoning, building permit applications, and developers;  
133 noting some of the reasons.

134  
135 Mr. Nulty asked why they would change the Department's structure. Mr. Champlin discussed the current  
136 structure and considerations they would like to accomplish without large increases in staffing and costs. Ms.  
137 McMains said she thinks the attorney's suggestion protects the Town and lets the Fire Department continue its  
138 operations. Mr. Nulty asked if Mr. Champlin had an opinion on the matter. Mr. Champlin said he can't imagine  
139 they would have a problem. Mr. Odit stated it doesn't prevent the Fire Department from taking a mortgage, but  
140 it doesn't tie the Town to one. Mr. Champlin said if something happens between now and then, the Fire  
141 Department will come to the Town and work together.

142  
143 On a motion by Ms. McMains, seconded by Ms. Mercer, **the Selectboard approved sending the document**  
144 **provided by the Town attorney.** The motion passed 3-0.

145  
146 **6. Letter of Support for Jericho Historical Society.**

147 Ms. McMains said the Jericho Historical Society has a septic problem and although they don't want to look like  
148 bad guys, they don't want to renew the lease to Saxon Hill School when it is up. She discussed the issue, noting  
149 that Saxon Hill is a user of the septic and has more students than it used to have. She stated the Jericho  
150 Historical Society is looking for a letter of support.

151 Mr. Buxton stated he is on the Board of Directors of the Jericho Historical Society and Chair of the Property  
152 Committee. He said the Historical Society has had a lease with Saxon hill school for twenty-nine years; when it  
153 began there were about twelve students enrolled. He discussed the use of the current septic system, noting the  
154 location of the septic tanks and leach fields are of concern. Mr. Buxton discussed the location and proximity to  
155 the Park and wetlands. He also discussed what services are included in the current lease arrangement. He  
156 discussed the responsibilities of the Historical Society and the costs involved.

157  
158 Mr. Buxton said these old buildings require constant repair and upkeep; the Old Mill is a steady drain. He stated  
159 they are not in the real estate business. He discussed how the current lease with the school was established and  
160 concerns about the septic system. Mr. Buxton spoke about his discussions with inspectors, engineers, and State  
161 officials, who provided estimates for replacing the current system and the time involved in the process. He  
162 stated the Historical Society has discussed this for two years, voting this summer to advise the Saxon Hill School  
163 to seek an alternative location by June 2015. He discussed other schools in the area and the facilities.

164  
165 Mr. Buxton said they are constrained by the location of the property and there is no real place to put a system in.  
166 He discussed the logistics of replacing the system and the costs involved. He also discussed the permitting  
167 process and other reasons Saxon Hill School should look for another facility. Mr. Nulty clarified that if the lease is  
168 terminated the school would leave. Mr. Buxton agreed. Ms. McMains said that would allow them to stretch out  
169 the septic life as long as possible. Mr. Buxton discussed the matter further, noting Town officials are very aware.  
170 He discussed changes in regulations and said even though the system is grandfathered, they cannot do this any  
171 longer.

172  
173 Ms. Mercer said she is familiar with the school, noting she could imagine them wanting to get a bigger space and  
174 expanding. She expressed concern that the school might leave Town and Jericho kids wouldn't be as inclined to  
175 attend; we would lose an institution and she would hate to lose it. Mr. Buxton said he realizes that, noting they  
176 are a historical society and made the lease in kindness, although the majority of the students are not from  
177 Jericho. The Selectboard and Mr. Buxton discussed the matter further. Mr. Buxton stated there are other  
178 possible viable alternatives in Jericho.

179  
180 Mr. Thompson stated he is a Saxon Hill School parent, although he is not speaking officially, he assured the  
181 Selectboard that the school community doesn't believe they are going to be there much longer. He said  
182 committees are formed and are searching for locations. He said although June is several months off, it is a bit of  
183 a scramble for a school run by volunteer parents. Mr. Thompson discussed the concerns the school has about  
184 the timing, noting a major part of the school's fundraising comes from running a summer camp and moving in  
185 June will impact the school financially. He stated he is not sure where things are right now, but they asked for an  
186 extension to the lease for an extra year and two months.

187  
188 Mr. Buxton discussed the Historical Society's response and reasoning. He said they are willing to discuss the  
189 matter further with the school. He stated there is a lot of misinformation circulating and he feels they have been  
190 very good landlords. Mr. Buxton discussed the modest rental income and the maintenance that is included in  
191 the rent. Mr. Alexander said he is a Saxon Hill School parent and grandparent, noting that is one of the pleasures  
192 of living in Jericho. He discussed family involvement in the school. He stated that until the Selectboard  
193 understands the Saxon Hill School position and the impact of the lease termination, it would be inappropriate for  
194 the Town to take a position on this matter. The Selectboard and Mr. Odit discussed the matter, agreeing it is a  
195 matter between private entities. Mr. Buxton thanked the Selectboard for their time.

196  
197 Mr. Bartlett noted in an earlier meeting there were some off color comments and he commented that we have  
198 one of the best Fire Departments. He said he does not think the taxpayers have been informed very well  
199 through this whole thing, about the price and how it was arrived at. Mr. Nulty said this was a discussion for  
200 public comment section of the agenda.

201 **7. Request for Special Event Permit - Huntington River Vineyard, LLC.**  
202 Mr. Odit stated the request is for the Artisan Market, in order for them to provide wine. Ms. McMains discussed  
203 the event. Mr. Caswell asked if there would be any security to ensure people under age aren't drinking. Mr. Odit  
204 stated that is part of the permit.  
205  
206 On a motion by Ms. McMains, seconded by Ms. Mercer, **the Selectboard approved the Application for Special**  
207 **Event Permit for the Huntington River Vineyard, LLC for an Artisan Market on November 14, 2014 at 5:00 p.m.**  
208 The motion passed 3-0.  
209  
210 **8. Approve minutes 10/16/2014.**  
211 On a motion by Ms. McMains, seconded by Ms. Mercer, **the Selectboard approved the minutes of 10/16/2014 as**  
212 **amended.** The motion passed 3-0.  
213  
214 **9. Other Business.**  
215 Mr. Champlin asked the Selectboard if they are going to notify the Town of Underhill of their intent with this  
216 letter. The Selectboard said yes. Mr. Champlin stated the Fire Department is putting the final touches on their  
217 draft budget and will be setting up a work session to discuss, followed by a joint Selectboard meeting with  
218 Underhill and Jericho to formally present it. He said if it is okay, they would like to ask if Underhill wants to  
219 attend the working session. Ms. McMains agreed, discussing meeting warning requirements. Mr. Champlin said  
220 the joint meeting would be the formal budget presentation and a request for support.  
221  
222 Ms. McMains stated there will be a celebration of Bentley's 150<sup>th</sup> birthday. She discussed what is being planned,  
223 noting more details will follow.  
224  
225 **10. Approve Warrants of 10/31/2014.**  
226 The Selectboard members signed the warrants.  
227  
228 On a **motion** by Ms. McMains, seconded by Ms. Mercer, **the Selectboard entered Executive Session to discuss**  
229 **Request for Qualifications (RFQ) submittals at 8:23 p.m.** The motion passed 3-0.  
230  
231 On a **motion** by Ms. McMains, seconded by Ms. Mercer, **the Selectboard exited Executive Session at 9:15 p.m.**  
232 The motion passed 3-0.  
233  
234 On a **motion** by Ms. McMains, seconded by Ms. Mercer, **the Selectboard adjourned at 9:15 p.m.** The motion  
235 passed 3-0.  
236  
237 Respectfully Submitted,  
238 Amy Richardson

1 **Minutes 11/18/2014**

2  
3 **Selectboard Meeting**  
4 **November 18, 2014 at 10:00 a.m.**  
5 **Jericho Town Hall, 67 Vermont Route 15**  
6

7 **Members present:** Tim Nulty (Chair), Catherine McMains  
8

9 **Others present:** Todd Odit (Town Administrator), Jennifer Murray (Planning and Development Coordinator),  
10 David Villeneuve  
11

12 The public hearing was called to order by Mr. Nulty at 10:00 a.m.  
13

14 **1. Town Plan Public Hearing.**  
15

16 Ms. Murray explained the proposed changes to the Town Plan were the inclusion of maps showing the  
17 boundaries of the State's Village Center Designations and the inclusion of language regarding flood  
18 resiliency. She explained the changes were initiated because the designation for Jericho Center would lapse  
19 on December 1, 2014 if the maps were not included in the town plan by that time.  
20

21 There was no public comment.  
22

23 On a **motion** by Ms. McMains, seconded by Mr. Nulty, **the Selectboard closed the public hearing at 10:10 a.m.**  
24 The motion passed 2-0.  
25

26 On a **motion** by Ms. McMains, seconded by Mr. Nulty, **the Selectboard adjourned the meeting at 10:10 a.m.**  
27 The motion passed 2-0.  
28

29 Respectfully Submitted,  
30 Todd Odit

1 **Minutes 11/19/2014**

2

3

---

**Selectboard Meeting**

4

**November 19, 2014 at 1:30 p.m.**

5

**Jericho Town Hall, 67 Vermont Route 15**

6

7

**Members present:** Tim Nulty (Chair), Catherine McMains, Kim Mercer

8

9

**Others present:** Todd Odit (Town Administrator),

10

11

The public hearing was called to order by Mr. Nulty at 1:37 p.m.

12

13

On a **motion** by Ms. McMains, seconded by Ms. McMains, **the Selectboard entered executive session to discuss contracts of which the premature disclosure would place the town at a disadvantage.** The motion passed 3-0.

15

16

17

Respectfully Submitted,

18

Todd Odit

2  
3 **Selectboard Meeting**  
4 **November 20, 2014 at 6:00 p.m.**  
5 **Jericho Town Hall, 67 Vermont Route 15**  
6

7 **Members present:** Tim Nulty (Chair), Catherine McMains, Kim Mercer  
8

9 **Others present:** Todd Odit (Town Administrator), Robin Bartlett, Warren Palmer, David Villeneuve, Richard  
10 Kemmer, Julia Blake, Donald Foote, Matt Thomson, Mathew Champlin, Stuart Alexander, Susan Bresee, Peter  
11 Booth, Rick Brehm, David Prior, Mike Mallow, Jessica Alexander  
12  
13

14 On a motion by Ms. McMains, seconded by Ms. Mercer, the Selectboard exited executive session at 6:57 pm. The  
15 motion passed 3-0.  
16

17 The public hearing was called to order by Mr. Nulty at 7:07 p.m.  
18

19 **1. Public Hearings.**

20 Town Plan Amendments

21 Mr. Nulty noted a public hearing on this item was held on Tuesday, so this is the second public hearing. Ms.  
22 Murray stated a regular update is coming up in 2016, but this is a temporary interim update. She said the  
23 updates included in this version were the sections relating to: 1) Flood Plain Resiliency; and 2) Designated  
24 Village Centers. She explained the purpose for the update was to comply with Act 59, which became effective on  
25 July 1<sup>st</sup>. Ms. Murray discussed the importance of adopting the amendments now and the impact on the Village  
26 Center Designation renewal. She also discussed the maps that were added to the Town Plan. She explained the  
27 section on Flood Plain Resiliency needed to be added since the Regional Planning Commission (RPC) would be  
28 reviewing the update due to a new State mandate. Ms. McMains said that the RPC talked about it last night,  
29 voting to accept it once the Town accepts it.  
30

31 There was no public comment regarding the amendments. Mr. Nulty closed the public hearing on the Town Plan  
32 amendments and opened the public hearing on the Riverside Form Based Code at 7:12 p.m.  
33

34 Riverside Form Based Code

35 Ms. Murray stated this hearing is for a by-law update to the Land Use and Development Regulations to add an  
36 Article XIII. She explained the purpose of the hearing is to collect public input, noting this is the first public  
37 hearing held by the Selectboard regarding this matter. She provided some background on the subject, noting the  
38 code will apply to the Riverside Village Center. Ms. Murray said the code was prepared by an outside consultant  
39 with public input throughout the process. She provided additional background and the reasoning for developing  
40 the code for the area, including a timeline and drawings which were displayed.  
41

42 Ms. Murray this combined all of the work from the previous efforts into one Master Plan and drawing, with  
43 substantial public and stakeholder participation and buy-in. She said the goal was to develop an implementation  
44 mechanism, which is the Form Based Code. She discussed the Planapalooza that was held earlier in the year,  
45 noting the level of participation. Ms. Murray noted the illustrative representation of the Master Plan is one way  
46 that it could be developed, but not necessarily the only way. She discussed the new code, stressing that it only  
47 affects new development in the Riverside area. She discussed the new code further, including implications for  
48 future development.  
49

50 Ms. Murray discussed the differences in the code, noting some examples. She displayed the organization of the  
51 new Article XIII. She stated this is new zoning, so there is a Regulating Plan that accompanies it and creates two  
52 new character districts. Ms. Murray displayed some examples of character districts. She discussed the intended  
53 uses and displayed photos and metrics.

54  
55 Ms. Murray stated an important part of the Form Based Code is that it takes control over how private space  
56 relates to public space. She discussed how that is accomplished and examples of how it comes together. She  
57 displayed the Table of Uses that applies to the Form Based Code and how it works compared to existing Land Use  
58 and Development Regulations. Ms. Murray discussed the advantages of the Form Based Code. She also  
59 discussed the design and architectural standards.

60  
61 Mr. Nulty asked for public comments and/or questions. Mr. Palmer asked whether he understood that there are  
62 three Village Districts and this code will only apply to one. Ms. Murray answered yes. Mr. Palmer asked why.  
63 Ms. Mercer responded that you have to start somewhere and that is the area that we worked with the  
64 consultant on. Ms. Murray said it has a lot to do with the background, meaning all of the efforts have been  
65 focused on that Village Center because there is a lot of potential in that area. She noted there is more open  
66 space in the Riverside area, but that does not mean the Form Based Code could not be applied to other areas.

67  
68 Mr. Nulty said the intention is to expand it, but there is very little development in the other Village Centers and  
69 this only applies to new construction. He discussed the opportunity in this area. Ms. McMains noted that if,  
70 over time, people like this concept of zoning, there is no reason it couldn't be applied to the rest. The  
71 Selectboard members discussed the matter further.

72  
73 Mr. Champlin said his interest here is whether it takes into account any fire protection, discussing examples. He  
74 asked if there is any intention of improving fire protection in the area. He noted the importance of doing so with  
75 the close proximity of buildings. Ms. McMains said that is the reason for having two public hearings, in an effort  
76 to incorporate suggestions. Mr. Nulty noted that a detailed plan will be required of developers that would also  
77 be reviewed by the Fire Department. He said such discussions will take place. The Selectboard members and  
78 Mr. Champlin discussed the matter further, including concerns about access to water in the area.

79  
80 Ms. Bresee said she attended many of the public meetings throughout the process. She said she prepared a  
81 written statement, providing a summary of the written statement discussing the following:

- 82
- 83 • The code could allow for larger lots;
  - 84 • Pedestrians need safe passage through parking lots;
  - 85 • The need to assure variety within multiple buildings;
  - 86 • Internally lighted signs should be prohibited;
  - 87 • Architectural standards should be reviewed with the consultant;
  - 88 • Conditional use review should be required to ensure unintended consequences are avoided;
  - 89 • Density should be decreased with the consultant's assistance;
  - 90 • Fuel sales should be removed; and
  - 91 • Drive thrus should be removed.

92 Ms. Bresee submitted her written comments, asking anyone who agreed with the points to sign the letter before  
93 submitting it to the Selectboard.

94 Ms. McMains said the Jericho Energy Task Force had sent an e-mail to the Selectboard with similar concerns,  
95 which was entered into the record and summarized. Mr. Villeneuve asked to hear what is in the e-mail from  
96 JETF. Mr. Odit read the e-mail dated October 16, 2014. Mr. Villeneuve stated the piece of property belongs to  
97 him and his wife. He said he has lived in Town all of his life and he has tried to be a good citizen and is very  
98 interested in developing this property. He discussed efforts to develop the property and to work with the Town.

99 Mr. Villeneuve stated he intends to build a grocery store in the big building, which is before the Development  
100 Review Board (DRB) right now. He said he thinks there is a place for the Form Based Code in the Town, but he  
101 has moved forward with trying to develop the property because he can't get the Selectboard to sit down to  
102 discuss it with him.

103 Mr. Villeneuve discussed the meetings he has attended. He asked Ms. Murray to display the design showing all  
104 of the streets and discussed the efforts he has undertaken through the years, including meeting with the  
105 Transportation Department. He discussed the best entrance to the property, the subdivision of the property, and  
106 the number of curb cuts allowed. Mr. Villeneuve stated the plan shows three entrances, which will not work. He  
107 acknowledged the plan is conceptual, noting they tried to work on it without any decision makers involved. He  
108 said the current application for a grocery store will not fit using the code, noting the reasons.

109

110 Mr. Villeneuve discussed entrances on other properties in the area. He also discussed the timing of the current  
111 application and applicability of the regulations, noting stormwater concerns. He said the economics do not work  
112 according to the people he has worked with without the Selectboard participating. Mr. Villeneuve stated that if  
113 they go ahead with these regulations as they are he cannot support them; although he does support a Form  
114 Based Code because it is a better way to look at it. He stated the code should be worked on before it is put into  
115 place. He discussed meetings attended, raising questions that didn't get answered.

116

117 Mr. Villeneuve stated the Jericho Planning Commission (JPC) was forced by the Selectboard to move this forward.  
118 He said the JPC didn't act on comments from him or anyone else. Mr. Odit suggested providing the Selectboard  
119 with a list if there are specific things he wants the Selectboard to review. Mr. Villeneuve discussed concerns  
120 about CD4 and CD3, saying that no one has looked at where the CD4 is located and he thinks it is wrong. Mr.  
121 Odit asked him to color it in and provide it to them. Mr. Villeneuve and Mr. Odit discussed the matter further.

122

123 Mr. Nulty clarified the points he heard made were that: the CD4 should be larger; the stormwater requirements  
124 mandate a stormwater pond in a location where the sketch plan proposes putting buildings that he doesn't feel  
125 is realistic; and the number of curb cuts. Mr. Villeneuve stated you couldn't build anything that looks like this.  
126 He said if they want to build something everyone will be happy with, they are going to need his cooperation  
127 because he owns the land. He said he is willing to cooperate and endorse this code with changes that are need.

128

129 Mr. Villeneuve stated there are problems in Section 13.5, architectural standards. Ms. Mercer asked what the  
130 problems were. Mr. Villeneuve discussed the right of way dimensions in the code, noting there is no place for  
131 snow removal. He discussed examples of spaces that are not maintained by the Town and the State. He said he  
132 is the one stuck trying to make this thing comply with all of these standards and there are too many problems.  
133 Mr. Villeneuve said it was so bad when it went to the JPC that there was a vote to eliminate them in which three  
134 of the six members voted to eliminate them. He said he is glad to work with everyone on this, but he can't get  
135 the Selectboard to sit down.

136

137 Mr. Nulty closed the public hearing and called the Selectboard meeting to order at 8:09 p.m.

138

139 **2. Public Comment.**

140 There was none.

141

142 **3. Adopt Drug and Alcohol Policy for Commercial Motor Vehicle Operator Employees.**

143 Mr. Odit said this was presented previously. He said he discussed it with every member of the Highway  
144 Department, noting they understood it and did not have any concerns. He recommended adoption. Mr. Nulty  
145 asked whether this is based on Vermont League of Cities and Town (VLCT) standards. Mr. Odit agreed, noting it is  
146 based heavily on the federal regulations. Mr. Nulty asked whether not having this poses liability concerns. Mr.  
147 Odit responded yes. Mr. Nulty asked whether the members of the Highway Department were spoken to  
148 individually or whether they had an opportunity to speak privately if they wished. Mr. Odit discussed the



approach and opportunity for individual conversations. The Selectboard members discussed the policy further, noting how thorough and clear it is.

Mr. Villeneuve said he supports what they are doing. He stated he has heard a number of times that there is a bad problem at the Town Garage of people driving under the influence of alcohol. He said it should be looked into and they should be monitored. Mr. Villeneuve said he could provide more specifics in private, noting he is a commercial driver and knows what the standards are.

On a motion by Ms. McMains, seconded by Ms. Mercer, **the Selectboard adopted the Drug and Alcohol Policy for CMV Operators as proposed and dated 11/20/2014.** The motion passed 3-0.

#### **4. Discuss Rivers Property Vote.**

Ms. McMains provided an overview, saying the vote was positive. She said there are townspeople interested in purchasing all or part of the Rivers' property, but it clearly is not a mandate. She stated there are four general pathways that could be followed, noting that all discussion will be public until the detailed negotiations with numbers and they want full public input along the way.

Ms. McMains said the following are options:

- 1) Least expensive: Delineate the protected area and obtain a conservation easement. She discussed how that could occur. She said the Fire Department could move ahead with doing whatever they wish with the property that is in their best interests.
- 2) Most expensive: Buy the property outright using a bank and conserve the whole property.
- 3) Buy the property with a bank loan, rather than through the Fire Department; conserve the gateway area; and reduce the cost to the taxpayers by turning to the Community Development Corporation (CDC) to develop some land and sell the house, etc.
- 4) Least likely based on previous discussions, is to tweak the current the agreement and fill in the details.

Ms. McMains said they will take public input to see what direction they should go in. She said their preference is to do the least expensive. Mr. Palmer asked if the Selectboard has a vision for this property. Ms. McMains said they were asked to try to help conserve the land, the gateway. She discussed the importance of a gateway. Ms. Mercer clarified the location of the gateway. Mr. Booth asked for clarification of the fourth option. Ms. McMains clarified the option, noting there was such concern about the Fire Department holding the note, so that is the least likely.

Mr. Palmer asked if there is a general feeling that the 15 acres on the barn side of the road that is zoned for high density residential development that that should be kept open. Ms. McMains said she is not sure, discussing varying opinions. Mr. Palmer said his opinion is that the best case scenario would be if a private sector developer could come to terms with the Fire Department and the plan would have a maximum of 35 units on the 15 acres; sell the house and/or the barn; and the gravel pit restored/reclaimed, discussing possibilities.

Mr. Nulty discussed an agreement early in the process allowing for a private party agreement, if advantageous to the Town and the Fire Department. He gave additional background on the negotiations and the process. The Selectboard and Mr. Palmer discussed the possibilities, including the reasoning for action taken to date. Mr. Palmer discussed ways to protect the gateway. He asked whether a private sector developer with a plan that meets those goals would change the Selectboard's position. The Selectboard and Mr. Palmer discussed that possibility.

Mr. Palmer stated he would be willing to make an offer to the Fire Department if he had more clarity about what the Selectboard is looking for, noting it would be more appropriate than using public money. He discussed the process, noting it is the same whoever is involved. Mr. Palmer and the Selectboard discussed the matter further. Mr. Palmer suggested allowing private sector parties to vet proposed plans through an informal public process.

200 Mr. Brehm asked who the developer was that was involved in negotiations with the Fire Department previously.  
201 Mr. Nulty stated they entered into an agreement, so they would need agreement from the others involved prior  
202 to disclosing. Mr. Odit clarified that Mr. Palmer is suggesting a Town-sponsored public planning process to gage  
203 support of a proposed project. Mr. Brehm asked whether those who want to preserve the gateway could be the  
204 ones to fund it. The Selectboard discussed what the vote on the November 4<sup>th</sup> ballot indicated and did not  
205 indicate.

206  
207 Ms. Blake asked for an explanation of a conservation easement. Ms. McMains discussed how conservation  
208 easements work and the parties involved. Ms. Blake, Mr. Odit, and the Selectboard discussed the matter further.  
209 Ms. Blake asked whether the Fire Department would consider donating the land for the easement. The  
210 Selectboard said that conversation has not occurred yet. Mr. Palmer asked about timing. The Selectboard  
211 explained that is up to the Fire Department, noting they are willing to continue discussions. Ms. McMains said  
212 the process is starting now to prepare for Town Meeting. Mr. Nulty responded to questions about the Town  
213 purchasing the property, clarifying the Town is not the buyer of the property. Ms. McMains stressed that the  
214 process going forward will be as public as possible.

215  
216 Mr. Champlin, speaking as a citizen, expressed concern that we do not know what the majority of the citizens  
217 want to do with this property, although there has been a very vocal group throughout this process. He discussed  
218 varying options, saying it is important to gage what people want for that property. He stated that is what the  
219 Selectboard was charged to do with the vote. Ms. McMains agreed, saying that is why the process has begun.  
220 Mr. Champlin said there was a vocal group, but whether they represent the majority needs to be determined.  
221 Mr. Nulty agreed the ballot item was pretty general, but the question was whether the Town should buy all or  
222 part of the property; saying it is not an empty mandate. Mr. Champlin said there is a tremendous opportunity to  
223 accomplish all of this with no taxpayer expense, in his opinion. He discussed some possibilities. He and the  
224 Selectboard discussed the matter further.

225  
226 Mr. Booth stated that vote was not in a vacuum, it came out of a very public, long conversation. He said he  
227 doesn't see how you can interpret that to mean anything other than preserving the gateway. The Selectboard  
228 members clarified the wording of the ballot question. Mr. Booth and the Selectboard discussed the implications  
229 of the vote and possible ways to proceed.

230  
231 Mr. Bartlett stated he never heard anything about a gateway until the AARP guy came to Town a few years ago.  
232 He said most of it is too steep to build on. Mr. Thomson said, having read the ballot option and voting on it, he  
233 doesn't think everyone who voted on it was voting to purchase the entire property. He stated he knows that a  
234 lot of people who were here in October voted no because they lost faith in the Town since there was a guaranty  
235 there would be development. He discussed the varying viewpoints.

236  
237 Ms. Blake asked if there is a way to find out the cost of an easement or whether there is a private developer. Mr.  
238 Nulty said the two aren't mutually exclusive. Ms. Mercer said it is possible to work with the Vermont Land Trust.  
239 The Selectboard and Mr. Palmer discussed conservation easements further. Ms. Murray noted it is hard for the  
240 Fire Department to sell the property to a developer because the developer will be worried about the public  
241 perception that goes along with that property. She said the Fire Department would benefit from giving a  
242 conservation easement to the Town because then they would be selling the property to a developer with the  
243 public perception issue resolved.

244  
245 Mr. Palmer cautioned that broad assumptions are being made. He discussed other possibilities for the property.  
246 The Selectboard and those present discussed the Town's role in the process. They also discussed possibilities for  
247 informal proposals. Mr. Bartlett expressed concern about the value assigned to the property, noting potential  
248 liabilities inherent in the property. He discussed the matter further with the Selectboard.

249

250 Mr. Villeneuve asked whether the discussion about participating in the Development Review Board (DRB)  
251 hearing is on the agenda. The Selectboard members said it is the next agenda item, noting the printed agendas  
252 were an earlier version.  
253

254 **5. Discuss Participating in Jericho Country Market DRB Hearing.**

255 Mr. Nulty asked about the timing of the hearing. Mr. Odit stated it is on December 11<sup>th</sup>. The Selectboard  
256 discussed whether to send a representative to participate in the hearing. Mr. Nulty clarified the question is  
257 whether the Selectboard will send a representative to participate in the hearing.  
258

259 On a motion by Ms. McMains, seconded by Ms. Mercer, **the Selectboard approved being an active interested**  
260 **party in the DRB hearing for the Jericho Country Market.** The motion passed 3-0.  
261

262 Mr. Villeneuve asked when this was discussed on Tuesday. Mr. Nulty clarified we discussed the procedural  
263 question only about whether to send a representative. Mr. Villeneuve asked when the matter was discussed.  
264 Mr. Odit said the discussion was whether to put this on the agenda. The Selectboard and Mr. Villeneuve  
265 discussed open meeting rules and what was actually discussed on Tuesday. Mr. Nulty explained the rationale for  
266 sending a representative to the hearing.  
267

268 **6. Discuss Town Hall Exterior Improvements.**

269 Mr. Odit said the Capital Budget includes money for painting the Town Hall. He discussed conversations held  
270 regarding painting and possible restoration. Ms. McMains said there is interest in restoring the Town Hall back to  
271 its historical state, in stages. She stated there is rot, particularly around the windows. The Selectboard and Mr.  
272 Odit discussed the process of restoring the exterior, noting the community involvement. They also discussed the  
273 possibility of energy efficiency improvements being incorporated. Mr. Odit said the idea is to form a committee  
274 to determine what the options and costs are to make the improvements. Mr. Nulty stressed the importance of  
275 being fiscally conservative. The Selectboard and Mr. Odit discussed the matter further. Ms. Mercer expressed  
276 concern about investing money in the exterior while the interior is still being paid for.  
277

278 Mr. Champlin said the original bond for the interior of the building was a little over \$1 million. He asked what  
279 the annual payment is on that bond and how many years remain. Mr. Odit said \$60,000 of principle is paid every  
280 year, noting next year's principle and interest due is \$94,000. He said approximately fifteen years remain.  
281

282 **7. 2016 Draft Capital Budget Review.**

283 Mr. Odit said he is bringing this back with the draft working budget, as a result he has adjusted to use more  
284 reserve funds due to the impact it was having on the tax rate. He discussed the changes to the reserves, which  
285 increased by approximately \$120,000. He stated there were no changes in the projects, just how they are being  
286 funded. Mr. Odit discussed what numbers remain outstanding in the draft budget. He said the salaries were  
287 budgeted to increase by 2%, noting last year the Selectboard adopted a policy where increases are tied more  
288 closely to the increases to the Consumer Price Index (CPI). He said as it stands today, it would be a \$20 increase  
289 per \$100,000 of assessed value.  
290

291 **8. Review Working Draft of Fiscal Year 2016 (FY16) General Fund Budget.**

292 Mr. Odit said he included a chart comparing the changes to the Town tax bill and school tax bill since fiscal year  
293 2009. Ms. Mercer asked why the school could not collect their own tax bills to reduce confusion. Mr. Odit said  
294 the Town is required by statute to collect the taxes, noting he didn't know if we could produce separate tax bills.  
295 Ms. Alexander stated ID District sends separate tax bills. The Selectboard and Mr. Odit discussed the possibility  
296 of issuing separate bills and the stability of the Town tax rate further. Mr. Foote noted the tax bills do break out  
297 the Town portion and the school portion. He suggested communicating the difference to ensure people are  
298 aware. Mr. Nulty asked that it be given more thought.  
299

300 Mr. Odit said Ms. Alexander wanted to discuss dogs because that will have an impact on the budget, referring to  
301 a memo in the packet. Ms. Alexander discussed the breakdown of the fee, noting what is paid to the State and  
302 how the expense is offset by the registration fee. She said the question was whether the Town could fund the \$4  
303 fee to provide an incentive to have a valid rabies vaccine on file. She discussed the number of dogs not  
304 registered and not vaccinated.

305  
306 Mr. Nulty discussed the importance of a penalty for non-compliance. Ms. Alexander suggested increasing the  
307 late fee. Mr. Nulty said the biggest concern should be the health hazard. The Selectboard and Ms. Alexander  
308 discussed the matter, including the possibility of fines. Mr. Odit suggested researching what authority we have to  
309 collect a fine. Ms. Alexander suggested a trial period for a year. She and the Selectboard discussed the matter  
310 further. Mr. Odit said he would include these numbers in the next version of the budget and will research the  
311 authority.

312  
313 Ms. Villeneuve asked who will care for the dog if it is impounded. Mr. Nulty said there are other possibilities.  
314 The Selectboard and Ms. Alexander discussed what is allowed under the ordinance. Ms. Villeneuve said the  
315 money you think you will save; you will be spending on other things. Mr. Nulty stated we will not be saving  
316 money; this is a public health issue. Ms. Mercer asked why we would give up the income. Ms. Alexander  
317 explained it would streamline the process. She and Ms. Mercer discussed how the process works. Ms. Mercer  
318 said we need to address the other issue of the unlicensed and unvaccinated dogs. Mr. Nulty agreed, if we can  
319 figure out a way to do it. The Selectboard discussed possible ways of using the revenue to address the public  
320 health issue. Mr. Odit said they would look into the matter and return with some suggestions.

321  
322 Mr. Villeneuve suggested the Animal Control Officer receive a new vehicle every few years. Mr. Nulty asked if he  
323 receives compensation. Mr. Odit stated he does receive compensation. Mr. Villeneuve and the Selectboard  
324 discussed the matter further. Mr. Champlin suggested considering a stipend for when he is called out for service.  
325 Mr. Odit stated he is paid based on the number of times he goes out. Ms. Mercer asked to have him attend a  
326 future meeting.

327  
328 **9. Warn FY16 Capital Budget Public Hearing.**  
329 On a motion by Ms. Mercer, seconded by Ms. McMains, **the Selectboard warned a public hearing on the**  
330 **proposed FY16 Capital Budget for Thursday, December 18<sup>th</sup> at 7:00 p.m. at the Jericho Town Hall.** The motion  
331 passed 3-0.

332  
333 **10. Discuss Comcast Lease of Land at Highway Garage.**  
334 Ms. McMains stated that will happen in Executive Session.

335  
336 **11. Adopt Town Plan Amendments.**  
337 On a motion by Ms. Mercer, seconded by Ms. McMains, **the Selectboard adopted the proposed Town Plan**  
338 **amendments as warned for the public hearings.** The motion passed 3-0.

339  
340 **12. Approve minutes 11/6/2014.**  
341 On a motion by Ms. Mercer, seconded by Ms. McMains, **the Selectboard approved the minutes of 11/6/2014 as**  
342 **amended.** The motion passed 3-0.

343  
344 **13. Other Business.**  
345 Ms. McMains discussed a meeting with Mt. Mansfield Union High School regarding Town Meeting and voting.  
346 She noted the auditorium seats 435 people; the gym and band room can be used for childcare; and the cafeteria  
347 can be used for lunch. She stated the school agreed to set aside the upper parking area for voting. The  
348 Selectboard and Ms. Alexander discussed the matter further, noting the improvements with the change of  
349 venue. They also discussed how to proceed.

350 A member of the public asked whether the minutes just approved incorporated the letter from Mrs. Gilbert  
351 regarding Saxon Hill School. Ms. McMains responded that since the Selectboard just received the letter, it would  
352 be acknowledged in these minutes. The Selectboard members discussed the letter further with the gentleman,  
353 noting the lack of jurisdiction and the clarification of details included in the letter.

354

355 **14. Approve Warrants of 11/14/2014.**

356 The Selectboard members signed the warrants.

357

358 On a **motion** by Ms. McMains, seconded by Ms. Mercer, **the Selectboard entered Executive Session at 9:58 p.m.**

359 The motion passed 3-0.

360

361 On a **motion** by Ms. McMains, seconded by Ms. Mercer, **the Selectboard exited Executive Session at 10:27 p.m.**

362 The motion passed 3-0.

363

364 On a **motion** by Ms. Mercer, seconded by Ms. McMains, **the Selectboard adjourned at 10:28 p.m.** The motion  
365 passed 3-0.

366

367 Respectfully Submitted,

368 Amy Richardson

2  
3 **Selectboard Meeting**  
4 **December 2, 2014 at 7:00 p.m.**  
5 **Jericho Town Hall, 67 Vermont Route 15**  
6

7 **Members present:** Kim Mercer (Chair), Catherine McMains, Tim Nulty

8  
9 **Others present:** Todd Odit (Town Administrator), David Villeneuve, Andrew Levi, Amy Morse, Leslie Allen, Stuart  
10 Alexander, Ryan Dudley, Bert Lindholm, Robin Bartlett, Susan Bresee, Phil Jacobs  
11

12 The public hearing was called to order by Ms. Mercer at 7:02 p.m.  
13

14 **1. Public Comment.**

15 Mr. Lindholm asked if he could discuss the Dollar Store and its relationship to the cemetery. He stated there is  
16 still a public known access road from Route 15 into the cemetery and he has done a fair amount of research. He  
17 summarized the research he has done, discussing the following:

- 18 • Selectboard approval of new roadways or abandoning of old roadways;
  - 19 • History of the access road into the cemetery;
  - 20 • Ownership of the adjacent property; and
  - 21 • Implications of the Dollar Store permit to move the access.
- 22

23 Mr. Lindholm stated that is the documentation he has and he is willing to go over it in more detail with the  
24 Selectboard or Mr. Odit at a later time. He said the Cemetery Commissioners have included a request for funds  
25 in next year's budget to address access to the cemetery. He said if the access is moved, the cemetery will be  
26 land locked. Mr. Lindholm noted some other concerns regarding future access. Mr. Odit said he would follow up  
27 with Mr. Lindholm, noting the access has not shown on a Town Highway map in years. He stated there is deeded  
28 access across the Church's property to the cemetery, although physical access is the issue. He and the  
29 Selectboard discussed the matter further with Mr. Lindholm.  
30

31 Mr. Villeneuve stated he has been involved in this from the beginning. He said Mr. Odit said the cemetery has a  
32 right of way across the Church property, which is correct. He said he has allowed people to access the cemetery  
33 across his property if they respected it. Mr. Villeneuve discussed his and the Dollar General's involvement in  
34 trying to assist in resolving the access issue, noting he no longer owns the property. He said there should be no  
35 money from the Town spent on access because they will fix the access in an effort to be good neighbors.  
36

37 Ms. Mercer asked about the location of the access and the condition. Mr. Villeneuve clarified the location of the  
38 access and the current condition, noting what work needs to be done. He said once construction of Dollar  
39 General happens, the other access will need to be used. He discussed possible solutions to the access to the  
40 cemetery and the Church property. Mr. Odit stated this is something that staff can work on with the landowners.  
41 Ms. McMains said it is important to have the access clearly delineated. Mr. Odit, Mr. Villeneuve, and the  
42 Selectboard discussed the matter further.  
43

44 Mr. Allen said the court filing claimed that the Selectboard has authority over the Jericho regulations and the  
45 Town Plan. He asked whether he was correct that the Judge did not make a ruling on that claim, but rejected the  
46 brief that was filed on the basis that the Town was not part of the court appeal, rather an interested party. He  
47 asked if the Selectboard can overrule the Development Review Board (DRB) decisions, and if so, why they did not  
48 do that at the time the decision was made rather than go to the expense of going through the courts. Mr. Allen  
49 also asked if the Selectboard does retain the authority whether that means that private citizens can appeal to the  
50 Selectboard regarding a DRB ruling.

Ms. McMains stated the Selectboard does not overrule the DRB. She clarified the authority and process. Ms. Mercer clarified the Selectboard has control over the guidebook that the DRB uses for their decisions, but not control over the decisions that the DRB makes. Mr. Allen asked for further clarification. The Selectboard and Mr. Odit discussed the reasoning for the wording in the brief.

Mr. Villeneuve asked to comment on the Dollar General decision that will be discussed in Executive Session. He stated he has the documents relating to the case and attended the hearings, noting the information is available for anyone interested. He discussed the Town's involvement in the process. Mr. Villeneuve pointed out the change in the Selectboard's position throughout the process. He said the Selectboard should not be talking about this matter further, noting that Mr. Nulty should be hearing these comments.

Ms. Mercer said we had talked about having a Recreation Committee kickoff meeting tonight, asking Mr. Dudley if that was why he was at the meeting. Mr. Dudley stated that was the reason. They agreed to set a date for a meeting.

## **2. Discussion of Jericho Country Market DRB Application**

Ms. McMains explained the reason for the item being on the agenda was to decide whether to be more proactive in the process. Ms. Mercer clarified they are talking about the Jericho Country Market application, asking where it is in the process. Mr. Odit stated it is scheduled for a hearing on December 11<sup>th</sup>. He suggested the Selectboard support the project and the use, noting the only concern he noted as it relates to the Form-based Code and the Town Plan is to make the project more pedestrian friendly. Ms. McMains noted that with the code moving along, we don't want that to negatively impact this application.

Mr. Odit read from the regulations regarding parking in this location. He also read from the regulations about the purpose of a Village Center District. He recommends the Selectboard submit a general comment supporting the project and possibly supporting the waiver if some pedestrian amenities could be included in the project. Mr. Odit stated the Town received a grant to construct a crosswalk across Route 15 from Raceway and there are sidewalks from Jolley to the Underhill town line. Ms. Mercer agreed with Mr. Odit's comments. The Selectboard and Mr. Odit discussed the matter further. Ms. McMains asked how they should participate. Mr. Odit suggested in person, so that if any questions arise they could be addressed. The Selectboard and Mr. Odit discussed who should participate in the hearing, agreeing that Ms. McMains would attend.

Mr. Villeneuve said the application is in under the old regulations because the parties involved wanted to move the process forward now, not to beat the regulations. He stated he has tried a number of times to include the Town and everyone in the planning for this property. Ms. Mercer asked about the status of the project. Mr. Odit and Ms. McMains discussed the DRB process, noting what level of review would occur at the hearing.

Mr. Villeneuve stated they did have an informal sketch plan discussion regarding the building and the property and no issues were raised. He asked all of the Selectboard members to attend the meeting as well. The Selectboard discussed the open meeting rules. After further discussion, Ms. Mercer agreed the members should attend the hearing and asked Mr. Odit to warn the meeting.

Ms. Bresee said when you think about pedestrian amenities, it is unfortunate that the Developer would not develop to the new Form-based Code voluntarily. She stated there is nothing preventing them from doing the very best they can to be compatible, but based on a technicality they don't have to. She discussed how the regulations should be applied. Ms. Bresee discussed the difference between pedestrian friendly and pedestrian amenities. She advised the Town to be as rigorous as possible, which is the reason the regulations are in place. She discussed where the regulations are clear and where they need further clarification.

Mr. Villeneuve responded with the following points:

- 101 • The plan includes building a park that is in the new regulations, noting the location;
- 102 • The plan does not move the building;
- 103 • The plan says you can have on street parking, noting which side that applies to and discussing where parking
- 104 could be located;
- 105 • They are trying to comply and agree with comments about being pedestrian friendly, noting recent
- 106 discussions; and
- 107 • They have and continue to work to comply with the new code.

108

109 Mr. Villeneuve suggested everyone who wants to be involved should attend and participate in the hearing. Mr.  
110 Nulty and Mr. Odit discussed Ms. Murray's role in the process. Mr. Villeneuve asked Mr. Odit to comment on the  
111 discussions he has witnessed. Mr. Odit stated the decision is up to the DRB. The Selectboard discussed the  
112 matter further with Mr. Villeneuve. Mr. Odit discussed how the process has worked, from staff's view, to date.  
113 He and the Selectboard discussed the matter further. Mr. Villeneuve and the Selectboard discussed the matter  
114 further, including the roles of staff and the Selectboard members. Mr. Villeneuve offered to meet with the  
115 Selectboard to discuss it further and the members agreed to schedule a meeting.

116

117 On a **motion** by Ms. McMains, seconded by Mr. Nulty, **the Selectboard entered Executive Session to discuss**  
118 **legal issues at 7:58 p.m.** The motion passed 3-0.

119

120 On a **motion** by Ms. McMains, seconded by Mr. Nulty, **the Selectboard exited Executive Session at 9:02 p.m.**  
121 The motion passed 3-0.

122

123 On a **motion** by Ms. McMains, seconded by Mr. Nulty, **the Selectboard adjourned at 9:03 p.m.** The motion  
124 passed 3-0.

125

126 Respectfully Submitted,

127 Amy Richardson



2  
3 **Selectboard Meeting**  
4 **December 10, 2014 at 7:00 p.m.**  
5 **Jericho Town Hall, 67 Vermont Route 15**  
6

7 **Members present:** Kim Mercer (Chair), Catherine McMains (via phone), Tim Nulty

8  
9 **Others present:** Matt Champlin

10  
11 The meeting was called to order by Ms. Mercer at 7:00 p.m. The Selectboard amended the agenda to hold a  
12 possible Executive Session at the end of the meeting.  
13

14 **1. Underhill-Jericho Fire Department (UJFD) Budget Discussion.**

15 Mr. Champlin introduced himself as the First Assistant Chief of UJFD. He noted a working session had been held  
16 with the Underhill Selectboard and Ms. McMains from the Jericho Selectboard. He said the budget being  
17 discussed tonight is pretty similar to the one from the working session. Mr. Champlin stated they discussed at  
18 the working session using an accounting firm starting in 2015. He said they obtained a quote for the services  
19 they think they need, which has been added into the budget. He stated it changed the budget from a 2.1% to a  
20 2.7% increase for the year.  
21

22 Mr. Champlin discussed the significant changes from the previous years, noting the following:

- 23 • Increase for the audit and accounting services;  
24 • Increase in worker's compensation insurance;  
25 • Increase in insurance for building and liability;  
26 • Increase in building maintenance;  
27 • Reduced a few line items;  
28 • Increase in firefighter safety equipment, noting they are working to get funding back from the manufacturer;  
29 • Capital expenditures: loan for the bunk rooms has been paid off; and truck replacement reserve.  
30

31 Mr. Nulty asked about the audit firm. Mr. Champlin stated they use the same firm that the Town of Jericho uses.  
32 He discussed what the cost includes. Ms. Mercer asked whether the line item should be broken out so it is clear  
33 that the audit didn't increase, but that accounting services were added. Mr. Champlin agreed they could make  
34 that change.  
35

36 Someone asked what the goal is for the truck replacement reserve balance. Mr. Champlin stated they have  
37 provided the Capital Plan to the towns previously, noting they plan to replace two trucks in a couple years. He  
38 discussed how the truck purchases are funded, including the process for obtaining financing. He said they have a  
39 capital reserve fund and the balance is updated and provided each year to the towns. Those present discussed  
40 the Capital Plan further, noting improvements made to the plan to make it clearer.  
41

42 Mr. Champlin discussed the Capital Plan, noting the timing of planned purchases going forward. He discussed  
43 how long the equipment can be used. Ms. Mercer asked if the Rivers Property Income should be listed as  
44 income on the budget. Mr. Champlin responded they are keeping the income separate to deal with expenses  
45 associated with the property. He said it is in a separate account and discussed how the money is currently being  
46 spent. Those present discussed the matter further, including the auditors recommendation for treatment. They  
47 also discussed the status of the gravel pit.  
48

49 Mr. Champlin referred to the reserve account statements, noting all of the accounts are shown along with the  
50 activity in them. He said one of the big items is the expenditure on the new equipment reserve for a thermal  
51 imaging camera. Mr. Nulty asked about a transaction in the truck replacement reserve account. Mr. Champlin  
52 responded that they sold the old engine last year, explaining the entries associated with the sale. Those present  
53 discussed possible ways to show it so that it is clear which numbers are associated with the sale.  
54  
55 Someone asked whether the liquid assets reported on the Form 990 includes the reserve accounts. The  
56 Treasurer agreed that it did. They discussed the level of cash on hand. Mr. Champlin noted they have a floating  
57 line of credit with the bank to handle cash shortages occasionally. Those present discussed the matter further.  
58 Mr. Nulty said he cannot tie the reserves to income. Mr. Champlin discussed how the reserve accounts show and  
59 how the transfers are made. He discussed a specific example, agreeing that it is not easy to follow.  
60  
61 Mr. Nulty suggested showing the reserve transfer impact on the budget. Ms. Mercer clarified that there is no  
62 way for people to know how much is transferred to or from the reserve accounts. Mr. Champlin said it is shown  
63 on the reserve page, which is included in the Town Report. Ms. Mercer discussed how she is used to seeing the  
64 information. Mr. Champlin said he understands what they are saying and explained how they report the  
65 information. He also discussed the reasoning.  
66  
67 Someone asked about the fire department's needs in five years. Mr. Champlin said they intend to hold to a 1% to  
68 3% increase each year. He said their capital plan is funded with a 3% increase in the capital plan, not the overall  
69 budget. An Underhill Selectboard member stated they will be shooting for less than 3% over the next couple of  
70 years because they don't see any major growth in their Grand List. He said they are really trying to keep their  
71 budget down and would appreciate it if the UJFD could keep it 2% or less. Those present discussed budgeting  
72 and equipment purchases.  
73  
74 Mr. Champlin explained how equipment purchases are funded. He responded to questions about the differences  
75 between rescue trucks and ladder trucks. He discussed changes in fire fighting techniques and equipment on the  
76 trucks. Those present discussed the uses for the trucks and areas that have similar trucks. They also discussed  
77 what equipment other fire departments in the area use. Mr. Champlin explained the safety reasons for the  
78 equipment needed, noting building construction materials as a primary reason.  
79  
80 Someone mentioned it is important for the Selectboard and voters to keep an eye on the budget, but it is also  
81 important for laymen not to second guess what experts do. He said we have to have faith in people who  
82 specialize in fire, since he does not and would not second guess what equipment is needed. He noted we are all  
83 taxpayers too, so we are going to try to keep our expenses low. Mr. Champlin said they have to express their  
84 needs to the Selectboards and it seems clear that they have not made a clear cut case that they need a ladder  
85 truck. He said they are working on it and will present it in the future. Those present discussed the matter  
86 further, including the height of buildings the truck would serve.  
87  
88 Ms. McMains noted that many of these questions and concerns were raised during the working session, so it  
89 seems everyone shares the same concerns. Mr. Champlin said the message is received loud and clear. He said  
90 they will work on the information and they have moved it out to allow sufficient time to do so. Those present  
91 discussed lightweight construction and firefighter safety. A UJFD member discussed how the ladder truck has  
92 been a hot button topic. He discussed how the projections are made and who is involved in the planning. He  
93 also talked about how the plan can change once specific equipment is investigated, noting the most recent  
94 purchase as an example. He and those present discussed the current approach to firefighting due to the  
95 construction methods.  
96

97 Mr. Champlin said this is their current plan. He stated Jericho does have zoning that would allow four story  
98 buildings and their current equipment would not reach the fourth story of the building. Mr. Nulty clarified they  
99 have a similar issue currently with a two story building. Mr. Champlin agreed, discussing the impact of  
100 lightweight construction further. Mr. Nulty asked about digital building plans and their availability. Mr. Champlin  
101 discussed the challenges with implementing such a practice.

102  
103 Someone suggested using different terminology that would help people to understand the difference in the truck  
104 that is being contemplated versus what people see on television. Mr. Champlin thanked everyone for the  
105 suggestions, stating they will assemble an education package. He discussed possible approaches to ensuring  
106 everyone is informed. He said these are fair questions. Mr. Nulty said when a house is built in that way it puts  
107 firefighters at risk. He asked whether the towns should consider implementing impact fees associated with that  
108 type of construction. Ms. McMains stated the key is that they would need to have building codes and a building  
109 inspector to enforce those. Those present discussed the possibility, including the UJFD reputation impact and  
110 low income housing. They discussed building methods further.

111  
112 Someone asked about the lifespan for trucks. Mr. Champlin said they range from twenty to thirty years. Mr.  
113 Nulty clarified they are financed over seven years and typically last for thirty, so they are paid off for a long  
114 period of time. Mr. Champlin agreed that is their goal. He discussed their approach to maintenance. Ms.  
115 Mercer clarified that right now UJFD is only paying on the station, Engine 11 and Engine 1. Mr. Champlin said  
116 that is correct. Ms. Mercer asked about the next purchase. Mr. Champlin said it is the squad and tanker.

117  
118 Ms. Mercer asked what SCBA is. Mr. Champlin responded that is their air packs, self-contained breathing  
119 apparatus. He noted they received a grant to replace them approximately ten years ago. He discussed the  
120 reasoning for the changes to the Capital Plan to ensure the gear is purchased when needed. Ms. Mercer asked  
121 why there was such an increase in the worker's compensation insurance. Mr. Champlin said they are currently  
122 looking into that. Those present discussed possibilities for the increase and possibly changing the provider. They  
123 also discussed the recent audit, noting it was not on-site this year. They discussed the impact of full time  
124 employees and volunteers on the premium. Mr. Champlin said they are working through that, but they have put  
125 the billed amount into the budget. He discussed staffing, noting a recent change.

126  
127 Ms. Mercer asked Ms. McMains if she knew that the Selectboard was being asked to vote on the budget tonight.  
128 Ms. McMains responded her recommendation would be not to approve it tonight, acknowledging the work that  
129 has been done to get to the point. She explained that it is a process issue because the Town has to incorporate it  
130 into their budget. She said it will get approved down the road. Ms. Mercer clarified that it wouldn't be approved  
131 until Town Meeting Day. She said she would have liked to have seen the increase closer to 2%, which is what the  
132 Town is trying to do with their budget, discussing the reasoning. The Selectboard members discussed the  
133 budgeting process further, including how to proceed.

134  
135 Mr. Clark asked if they could talk about savings, saying the discussion always seems to focus on expenses. Mr.  
136 Champlin stated fire departments are probably the only publicly funded agency in the country that saves you  
137 money. He said there is expense associated with that and discussed an example of the cost savings the fire  
138 department saves homeowners. Mr. Nulty acknowledged that, noting it is hard to equate cutting expenses with  
139 the cost savings. He said the point is well taken, but it doesn't address the level of minutia we are dealing with.

140  
141 Mr. Champlin stated they are doing an audit every year. He asked whether the move to a CPA firm doing their  
142 books would change the need for an annual audit. The consensus was that annual audit would still be needed.  
143 A member of the Underhill Selectboard asked whether the number shown on the 2013-14 preliminary would go  
144 up. Mr. Champlin stated it would not. The Underhill Selectboard approved a contribution to UJFD not to exceed  
145 \$216,112. The Jericho Selectboard members discussed how to proceed.

146

147 On a **motion** by Mr. Nulty, seconded by Ms. McMains, the **Jericho Selectboard approved a contribution to the**  
148 **Underhill-Jericho Fire Department of a sum not to exceed \$324,168 for the 2015-2016 fiscal year.** The motion  
149 passed 3-0.  
150  
151 Mr. Champlin asked the Selectboards to reach out if there are any further questions, comments, or concerns.  
152 The Selectboard members said they are feeling a lot of pressure from the taxpayers. Mr. Champlin said he  
153 understands, but he wants everyone to know they are accessible and want to keep the communication open.  
154  
155 Ms. McMains asked about using the thermal imaging camera on the Jericho Town Hall. She explained the reason  
156 for the request. Mr. Champlin cautioned that the UJFD camera has a different purpose and different  
157 specifications. He said they could show them. Someone noted that Efficiency Vermont offers that type of  
158 activity. Ms. McMains agreed. Mr. Champlin stated Harry would follow up.  
159  
160 Ms. Mercer asked the firefighters to always think outreach. She discussed her experience in non-profits and the  
161 importance of communication with the Selectboards and residents. Mr. Champlin stated the message is clear.  
162  
163 On a **motion** by Mr. Nulty, seconded by Ms. McMains, the **Selectboard entered Executive Session to discuss**  
164 **matters of personnel at 8:08 p.m.** The motion passed 3-0.  
165  
166  
167 Respectfully Submitted,  
168 Amy Richardson

1 **Minutes 12/18/2014**

2  
3 **Selectboard Meeting**  
4 **December 18, 2014 at 7:00 p.m.**  
5 **Jericho Town Hall, 67 Vermont Route 15**  
6

7 **Members present:** Kim Mercer (Chair), Catherine McMains, Tim Nulty  
8

9 **Others present:** Todd Odit (Town Administrator), Jennifer Murray (Planning & Development Coordinator), Amy  
10 Richardson (Secretary), Phil Sharpsteen, Andy Dumas, Susan Bresee, Tom Baribault, Terence Hook, Christine  
11 Smith, Phyl Newbeck, Chris Kiegle, David Villeneuve, Andrea Murray, Tucker Shaw, Robin Bartlett, Pamela Gillis,  
12 Stuart Alexander  
13

14 On a **motion** by Mr. Nulty, seconded by Ms. McMains, **the Selectboard exited Executive Session at 6:55 p.m.**  
15 The motion passed 3-0.  
16

17 On a **motion** by Mr. Nulty, seconded by Ms. McMains, **the Selectboard adjourned the meeting of 12/10/14 at**  
18 **6:55 p.m.** The motion passed 3-0.  
19  
20

21 The public hearing was called to order by Ms. Mercer at 7:00 p.m.  
22

23 **1. Public Hearing - Fiscal Year 2016 (FY16) Capital Budget.**

24 Ms. Mercer stated the Selectboard has gone over the budget in recent meetings. She asked if anyone had  
25 comments. Mr. Villeneuve asked if there was anything in the budget for Dickenson Street. Ms. Mercer answered  
26 no. Mr. Shaw asked if there is anything toward the reduction of farm runoff into the local watershed. Ms.  
27 McMains said that does not fall under the Capital Budget, it would fall within the Zoning Regulations and  
28 stormwater runoff. Mr. Odit noted that is regulated by the Department of Agriculture. Ms. Mercer explained the  
29 Capital Budget is for investments, highways, etc.  
30

31 Mr. Baribault asked about culverts, noting the Conservation Commission is aware of grant opportunities in 2015  
32 that may be associated with the Better Back Roads Program. Mr. Odit responded that the Town has a culvert  
33 inventory. He said he was going to suggest at the next meeting requesting Regional Planning Commission (RPC)  
34 technical assistance to assess the condition of all short structures, which includes culverts and shorter bridges.  
35 He said the State inspects long structures every other year and provides the Town with inspection reports.  
36

37 Mr. Odit stated he is hoping to take care of that by requesting funds from RPC for a comprehensive analysis done.  
38 Ms. McMains clarified that when we replace culverts, generally we are upsizing them when we can. Mr. Odit  
39 agreed. Ms. Mercer said we will know more if we can obtain funding for the assessment. Mr. Baribault said  
40 going forward they will work with Mr. Odit and keep informed of the inventory and priorities. Mr. Odit said a  
41 recent inventory was done last summer and the Conservation Commission is welcome to see it. Ms. Mercer and  
42 Mr. Odit discussed what happens when Federal Emergency Management Agency (FEMA) funds are involved.  
43

44 Ms. Mercer asked if the concern is related to size or wildlife. Mr. Baribault stated they know there are wildlife  
45 passages that involve culverts. He said when they are due for replacement it makes sense to make sure they are  
46 designed to accommodate them. Mr. Odit stated that is what they have done with all of the box culverts on  
47 Barber Farm Road.  
48

49 Mr. Villeneuve asked if the Selectboard or the Town Administrator considered putting any money toward the  
50 Dickenson Street problem. He said it has been at least 8 years and there have been several studies conducted in

the area. He discussed some of the options that had been mentioned previously, asking if it has been discussed recently. Ms. Mercer stated it has not been discussed in a little while. Mr. Odit noted there is enough funding in the budget, generally, that allows room for the Town to do some things that are not specifically in the budget. Ms. McMains noted that we are getting a sidewalk, pedestrian crossing. She said the goal is to make it safe for pedestrians.

Ms. Newbeck said last year she saw a street sweeper go down Skunk Hollow Road without sweeping and go into Tyler Place where it swept. She said she doesn't know if Jericho hired the street sweeper. She asked if the Town does that they hire them for all the streets, not just select neighborhoods. Mr. Odit said the Town rents it and the Town crew runs it. Ms. Newbeck and Mr. Odit discussed the approach to street sweeping. Ms. Newbeck asked that larger roads be considered as well.

Mr. Baribault said he understands the Town took over a small parcel in Jericho Center where there is a wetland. He asked if this is a rumor. Mr. Odit stated it is not clear yet, explaining the property was subject to a Chapter 13 bankruptcy and was turned over to the Town to be sold at tax sale. He and Mr. Baribault discussed the matter further. Mr. Kiegle asked how the total cost is used, using road improvement for example. Mr. Odit explained how the projection is used, noting that only FY16 is being approved at this time. Ms. McMains noted the number from the Capital Budget feeds into the regular budget.

Ms. Mercer closed the public hearing and opened the regular meeting at 7:12 p.m.

## **2. Public Comment.**

Mr. Sharpsteen stated he is in the process of trying to donate a conservation easement. He said there is some language in their title that makes the immediate conservation agreement not valid. He discussed the issue with the deed. Mr. Sharpsteen requested that the Selectboard approve the conservation easement and clear the language out of his deeds. Ms. Mercer said that is a lovely thing to do. Mr. Sharpsteen noted they just discovered it yesterday, asking if he could leave the consent agreement with the Selectboard. The Selectboard and Mr. Odit discussed how to proceed. Mr. Sharpsteen left the consent agreement, noting that if they are able to close by end of the year it will increase the number of years they are allowed to take a tax deduction. Ms. Mercer stated the Selectboard would get a legal opinion and see if they can act before the end of the year.

Mr. Shaw said the property that is known as the Rivers Property has a wetland at the base of the hill, which in his experience has a great possibility of being contaminated. He asked that should the property be developed, that it be developed in a way that is energy efficient so the Town could have a sustainable neighborhood. He discussed the current condition and made some suggestions about improving the property and making it sustainable. Ms. Mercer thanked him for his ideas. She stated that if the Town moves forward there will be a thorough, town-wide planning effort. She asked him to participate in the process and stay involved.

## **3. Presentation of Jericho Center Library Improvements/Addition Plans.**

Mr. Odit introduced Andrea Murray from Vermont Integrated Architecture to give the final presentation on the Jericho Center Library improvements. Ms. Murray discussed the timing of her involvement, saying she was asked to determine the feasibility of making the Library a structure that is suitable for use for the next 100 years or more. She said they looked at the historical significance, structural integrity, and systems currently in place. She stated the building right now and the project right now have estimated potential construction costs for a project that achieves all of the goals the committee and the Town set forth.

Ms. Murray stated the building has some deficiencies that make it not suitable for use for an extended period of time. She said she is hoping provide the information needed to make a decision about what happens next. She began the presentation, discussing the following:

- Site map;

- 101 • Historic photos of the building;
- 102 • Brief history of the building;
- 103 • Existing conditions of the exterior and interior;
- 104 • Building needs and concerns, including:
  - 105 ○ structural loading;
  - 106 ○ life safety;
  - 107 ○ accessibility;
  - 108 ○ energy efficiency;
  - 109 ○ space; and
  - 110 ○ other needs;
- 111 • First three options considered;
- 112 • Proposed building solution summary.

113  
114 Ms. Murray displayed an area summary, including space added. She displayed plans, discussing the new and  
115 existing structures. She discussed the entrance and the vision from the entry. Ms. Murray said they are  
116 proposing adding a basement under the existing building and the addition would be on a slab with frost walls.  
117 She continued discussing the proposed floor plans. Mr. Odit noted that on the first floor there are doors to both  
118 rooms, so there can be afterhour's access to the public meeting room.

119  
120 Ms. Murray agreed and discussed how that would work. She displayed the final elevations. She stated they  
121 reviewed this with a historic preservation consultant and talked about the requirement to ensure the main  
122 historic structure remains prominent and clearly distinguish the addition from the historic building. Ms. Murray  
123 discussed an example. She discussed the proposed building solution construction cost summary, noting the  
124 estimate was prepared by an independent consultant. She stated it is not a bid, a conservative estimate based  
125 on current market climate.

126  
127 Ms. Murray said the estimate covers only construction costs and is not a total project budget. She discussed the  
128 cost estimate, noting it includes a contingency, bond, and insurance. She noted it is very common to think the  
129 work could be done for less, but commercial grade construction has a lot of requirements and codes that have to  
130 be complied with. Ms. Murray discussed examples. She displayed a three-dimensional model of the project. Mr.  
131 Odit noted that some of the windows covered are visible from the inside.

132  
133 Ms. Murray said they are proposing leaving the existing skin of the building in the addition, discussing how that  
134 would work and look. She said that would help people understand how the addition connected to the existing  
135 building. Ms. Mercer said she liked the modern design, but this was the direction everyone was going in. Ms.  
136 Murray stated they kept a little bit of the contemporary with the big window in the vestibule, discussing the  
137 reasoning.

138  
139 Mr. Odit asked her to mention the type of heating system. Ms. Murray said within the last 10 years there was a  
140 boiler installed, but it is not adequately sized to support the addition. She discussed the current duct work and  
141 displayed photos. She discussed considerations, noting they are proposing a new system. Ms. Murray discussed  
142 the system that is being proposed, noting it is incredibly energy efficient. She said with the significant  
143 improvements in the building envelope, they are predicting significant energy savings.

144  
145 Mr. Odit mentioned there is a due date of February 6<sup>th</sup> for two different grant opportunities that could be applied  
146 to the building. He discussed the grant opportunities, noting there is the potential to cover up to 50% of the  
147 costs with grants if the Selectboard is interested in pursuing this. He, Ms. Murray, and the Selectboard discussed  
148 financing for these types of projects.

149

Mr. Baribault asked about the terrain under the building considering the crawl space would be replaced with a full basement. Ms. Murray said the current crawl space goes down about 4', noting she suspects ledge that goes up the hill behind the building. She noted they did test digging for septic and didn't encounter any ledge. She said that is part of the reason for a contingency. Ms. Murray discussed the reasoning for a full basement being proposed. She also discussed basement access from outside the building.

Ms. Mercer asked whether any Selectboard action was required. Ms. McMains said action is needed if we want to apply for grants. Ms. Mercer said yes. Mr. Odit said he would start working on the grants and see what the results are. The Selectboard consensus was to apply for grants. Ms. Mercer asked everyone to keep in mind the reason for pursuing this is the requirement to make the building Americans with Disabilities Act (ADA) compliant, which is very expensive. She said it makes sense to make the building more useable and more energy efficient at the same time.

Mr. Hook asked about how the new south end of the building aligns with the driveway and whether it would intrude upon the neighbor's driveway. Ms. Murray answered no, stating the setbacks will be maintained. Mr. Hook asked if the neighbors have they looked at this. Mr. Odit said yes, noting they received notice about the septic. Ms. Murray said they did have the end of the building staked out, noting it is interesting that some other septic systems are located there.

Mr. Kiegle asked if there is any planning or thought about parking around it. He stated parking is inadequate now. He asked how they would address having a meeting and other things occurring in the area. Ms. Mercer said that is a good question, noting that people can park all around the green. Mr. Kiegle asked how they would coordinate if there were a planned event. Ms. Murray, Mr. Odit and the Selectboard discussed parking in the area and possible solutions.

On a **motion** by Ms. McMains, seconded by Mr. Nulty, **the Selectboard approved pursuing the grant opportunities at the Block Grant Community Development Program.** The motion passed 3-0.

The Selectboard thanked Ms. Murray for the presentation.

#### **4. Review of Mobbs Farm Management Plan Updates.**

Mr. Dumas stated he is the Chair of the Mobbs Committee. He said the committee provided an updated Mobbs Farm Management Plan with highlighted updates and changes. He said they are asking the Selectboard to review and hopefully approve the plan. Ms. Mercer asked him to discuss the highlights. Mr. Dumas said the original management plan was done in 2009, noting the committee set a goal to review and update it every five years. He said the committee made a lot of changes, had a public comment period, and incorporated a lot of those comments also.

Mr. Dumas said the changes include:

- Administrative updates;
- References to current zoning;
- Updates to the list of abutters;
- Changes to the current state of property; and
- Management goals and recommendations, including a forest management plan.

Ms. Mercer asked whether there would be signage or how changes would be communicated. Mr. Dumas said there are no plans for signs, although they have had a lot of discussions. He said they have discussed what should be signed and will err on keeping signage to a minimum. Ms. Gillis stated they would notify the main dog walker of the new requirements and would get the word out when following up any complaints. She said until they have this management plan, there isn't much the committee can do to address complaints.



201 Mr. Dumas stated they also updated the brush hogging schedule. Ms. McMains asked whether the new forest  
202 management plan is included in the capital or operating budget. Mr. Dumas said they are not doing a new forest  
203 management plan, discussing the reasoning. He and Ms. McMains discussed the matter further. They also  
204 discussed plowing of the parking lot, noting the Highway Department has done a fantastic job.

205  
206 Ms. McMains said there is mention about expanding the hours at the Browns Trace Road lot. She stated due to  
207 the mediation the hours are fixed. Mr. Dumas agreed, noting they have discussed investigating, at some point in  
208 the future, what it would take to have longer hours. He said they are fully aware of the history. He stated they  
209 are not changing them, just recommending that it be explored at the committee level. Mr. Dumas discussed park  
210 hours and camping with Ms. Mercer.

211  
212 On a **motion** by Ms. McMains, seconded by Mr. Nulty, **the Selectboard adopted the revised Mobbs Farm**  
213 **Management Plan as of 12/18/2014.** The motion passed 3-0.

214  
215 The Selectboard thanked Mr. Dumas for his presentation and all of the committee's work.

216  
217 **5. Discussion of Form-based Code.**

218 Ms. McMains stated Jennifer Murray will make a presentation. Ms. Murray distributed materials to the  
219 Selectboard. Ms. McMains asked whether this is to be incorporated everywhere. Ms. Murray stated everywhere  
220 except in that district. She said the Jericho Planning Commission (JPC) decided last night and forwarded the  
221 information in case the Selectboard wants to include the changes in this round. Ms. McMains said she was  
222 clarifying which regulation document it belongs to, noting it could be part of the same public hearing.

223  
224 Ms. Murray summarized the changes saying the JPC wanted to look at accessory apartment regulations to see  
225 how that activity could be made more permissive. She discussed the changes the JPC recommended and the  
226 reasoning. She said they thought it would be good to get the changes incorporated sooner. Ms. Murray moved  
227 on to a discussion of the Form-based Code edits. She discussed the revisions to the document and the reasoning  
228 with the Selectboard, noting the main changes are in the Table of Uses.

229  
230 The Selectboard, Mr. Odit, and Ms. Murray discussed what a senior housing development is versus a residential  
231 care facility. Ms. Murray read the definitions. She and the Selectboard discussed the matter further, including  
232 what is included in a conditional use review. Mr. Odit suggested bringing back some draft language for the  
233 Selectboard to review. The Selectboard and Ms. Murray discussed the matter further. Mr. Odit said he doesn't  
234 know if saying there is a limit of a use is a way that we can zone. He said he would look into it, noting that we  
235 can phase development.

236  
237 Ms. Murray continued the discussion of the Table of Uses. She and the Selectboard discussed the differences  
238 between hotels, motels, inns, and bed and breakfasts. Ms. Murray read the definitions. Ms. Mercer asked  
239 whether there is anything to prohibit a chain hotel from building in the middle of the flats area. The  
240 Selectboard, Ms. Murray, and Mr. Odit discussed what is allowed in the area, including the size of buildings,  
241 parking lots, and tourism. They discussed the matter further.

242  
243 Ms. McMains said no one has complained that they were too strict at first. Mr. Nulty stated if it is conditional,  
244 they need to be serious about writing conditions. Ms. Murray discussed the extra benefits of conditional use  
245 review. The Selectboard and Ms. Murray discussed how conditions are established and conditional use reviews,  
246 including examples. Ms. Murray continued the discussion of the Table of Uses. She and the Selectboard  
247 discussed the impact of retail activity on Route 15.

248

249 Mr. Villeneuve stated he has raised the question in almost every meeting regarding the Form-based Code. He  
250 said he personally doesn't feel like it is laid out right. He said there have been no fair discussions about the CD4  
251 and CD3. Ms. Murray clarified that is the regulating plan. Mr. Villeneuve stated it pertains to this. Ms. Mercer  
252 asked whether he had a specific suggestion. Mr. Villeneuve responded that it should be looked at. Mr. Odit said  
253 the Selectboard did discuss that at the last meeting. Mr. Nulty said the general distinction makes sense, noting  
254 the little island could be given more thought. He said he doesn't see making Route 15 CD4; that is a recipe for  
255 Shelburne Road. Ms. Mercer suggested that building dense and close to the road could create something similar  
256 to the five corners in Essex Junction. The Selectboard discussed an example. The Selectboard, Mr. Odit, and Ms.  
257 Murray discussed the intent of the districts.

258

259 Ms. Mercer asked Mr. Villeneuve what he would recommend and what issues he has with this drawing. Mr.  
260 Villeneuve discussed his concerns and his reasoning. He said he wants a community, sidewalk and buildings  
261 close to it. He suggested that the speed limit on Route be reduced to 25 mph on that side in the triangle. He  
262 discussed the matter further with Mr. Odit and the Selectboard, noting the importance of the order of  
263 implementing regulations. The Selectboard discussed the matter further.

264

265 Ms. Murray noted limitations on development for certain areas in that section of Town. Mr. Villeneuve said that  
266 would be catering to one person, not looking at the vision for the Town. Ms. Murray said they are dealing with  
267 what the owner of the property wants. Mr. Nulty noted there is not very much developable land in the purple  
268 area anyway. He said right now it is hypothetical. The Selectboard discussed the matter further. Ms. Murray  
269 finished the discussion of changes to the Table of Uses.

270

271 Ms. McMains said they had public comment on fuel sales that have been limited to the Commercial District. She  
272 said if we have it, it should be limited to electric charging stations. Ms. Murray suggested cycling back to drive  
273 thrus and fuel sales at the end. She continued discussing the Table of Uses with the Selectboard. Mr. Nulty  
274 asked what happened to stucco. Mr. Odit responded it was still out. The Selectboard and Ms. Murray discussed  
275 why stucco wasn't included. Mr. Nulty wanted stucco added. Ms. McMains noted a typo in the document.

276

277 Mr. Villeneuve said if we don't have fuel sales and drive thrus in these districts, then it will be awful hard for him  
278 to get anyone to build on his property. He said the property we are talking about here is mostly his and he deals  
279 with these people. He stated he does believe it should be pedestrian friendly. Mr. Villeneuve discussed why fuel  
280 sales should be included. Ms. McMains discussed the reason they were removed and sent back to the JPC. The  
281 Selectboard and Mr. Villeneuve discussed the matter further.

282

## 283 **6. Set Budget Adoption Schedule.**

284 Mr. Odit discussed the meeting schedule in January, noting the holiday impact and the timing for warning Town  
285 Meeting.

286

287 On a **motion** by Mr. Nulty, seconded by Ms. McMains, **the Selectboard approved moving the meetings in**  
288 **January to the 6<sup>th</sup> and the 20<sup>th</sup>.** The motion passed 3-0.

289

290 Mr. Odit asked whether the members would like to schedule a budget work session. The Selectboard and Mr.  
291 Odit discussed the timing for a work session to be held in January.

292

## 293 **7. Grand List Errors and Omissions and Approve Stipulation and Agreement.**

294 Mr. Odit stated there are two corrections: one is a result of an appeal of value; and the other is a result of a  
295 probate court ordered boundary adjustment. He stated the net effect is a loss of \$174 of school tax; a loss of  
296 \$562 of Town tax; totaling a loss of \$736 in taxes. He recommended the Selectboard approve the changes as  
297 recommended by the Listers and sign the Stipulation Agreement as a result of the appeal. Ms. McMains said she

298 stayed out of the Leary issue, but she wanted Sandra to know that she was very professional and helpful in  
299 resolving the issue. Mr. Odit stated he will relay that to her.  
300

301 On a **motion** by Mr. Nulty, seconded by Ms. McMains, **the Selectboard approved the changes to the Grand List**  
302 **for LR152 and SK015 that are a result of an omission of the Lister's, pursuant to 32 V.S.A. Section 4261.** The  
303 motion passed 3-0.  
304

305 **8. Execute Town Engineer Contract.**  
306 Mr. Odit said the contract was reviewed by the Town attorney and there was one change made as discussed.  
307

308 On a **motion** by Ms. McMains, seconded by Mr. Nulty, **the Selectboard approved the Engineering Service**  
309 **Agreement for the Jericho Town Engineer.** The motion passed 3-0.  
310

311 **9. Execute Town Attorney Contract.**  
312 Mr. Odit said this represents what the Selectboard discussed. He noted it establishes the fact that they represent  
313 the Town.  
314

315 On a **motion** by Ms. McMains, seconded by Mr. Nulty, **the Selectboard approved the agreement of legal**  
316 **representation with Monahan Safar Ducham PLLC.** The motion passed 3-0.  
317

318 **10. Other Business.**  
319 The Selectboard recognized receipt of a letter regarding Saxon Hill School. They discussed the letter with Mr.  
320 Odit, including how to proceed. They also discussed the program's hours of operation. Mr. Nulty suggested a  
321 scholarship fund for Jericho students who couldn't otherwise attend. The Selectboard and Mr. Odit agreed that  
322 was a good idea. The Selectboard members agreed to discuss the matter further. Mr. Nulty noted the church  
323 has offered the school space.  
324

325 **11. Approve Minutes of 11/18/2014, 11/19/2014, 11/20/2014, and 12/2/2014.**  
326 On a **motion** by Mr. Nulty, seconded by Ms. McMains, **the Selectboard approved minutes from 11/18/2014,**  
327 **11/19/2014, 11/20/2014, and 12/2/2014 as written.** The motion passed 3-0.  
328

329 **12. Approve Warrants of 12/4/2014, 12/12/2014, and 12/15/2014.**  
330 13. The Selectboard members signed the warrants.  
331

332 On a **motion** by Mr. Nulty, seconded by Ms. McMains, **the Selectboard entered Executive Session to discuss**  
333 **matters of personnel at 9:08 p.m.** The motion passed 3-0.  
334

335 On a **motion** by Mr. Nulty, seconded by Ms. McMains, **the Selectboard exited Executive Session at 9:36 p.m.**  
336 The motion passed 3-0.  
337

338 On a **motion** by Mr. Nulty, seconded by Ms. McMains, **the Selectboard adjourned at 9:36 p.m.** The motion  
339 passed 3-0.  
340

341 Respectfully Submitted,  
342 Amy Richardson

1 **Minutes 12/29/2014**

2  
3 **Selectboard Meeting**  
4 **December 29, 2014 at 12:30 p.m.**  
5 **Jericho Town Hall, 67 Vermont Route 15**  
6

7 **Members present:** Tim Nulty (Chair), Catherine McMains,

8  
9 **Others present:** Todd Odit (Town Administrator), Philip Sharpsteen

10  
11 The meeting was called to order by Mr. Nulty at 12:31 p.m.

12  
13 **Public to be Heard**

14  
15 There was no public to be heard.

16  
17 **Request to Approve Consent to Conservation**

18  
19 Mr. Sharpsteen explained that he was in the process of conserving his property and during a title search, the  
20 conservation organization discovered language in his deed that said his property may be lease land of the town.  
21 Because of that language, he could only secure a conservation easement for his property if the town consented  
22 to it.

23  
24 On a motion by Ms. McMains, seconded by Mr. Nulty, the Selectboard approved the Consent to Conservation  
25 Easement for property owned by Phil Sharpsteen subject to a warranty deed recorded in the Jericho Land  
26 Records in Book X Page 308-309. The motion passed 2-0.

27  
28 **Request for Waiver of Dog Licensing Fee for Timely Registrations**

29  
30 On a motion by Ms. McMains, seconded by Mr. Nulty, the Selectboard approved waiving the registration fee for  
31 all dogs that are registered in time and that have a rabies vaccine on file that is valid through April 1<sup>st</sup>, 2015, in  
32 addition the town will pay the \$4.00 fee for each dog registered in a timely manner. The motion passed 2-0.

33  
34 **Approve Grand List Errors and Omissions**

35  
36 On a motion by Ms. McMains, seconded by Mr. Nulty, the Selectboard approved the change in value of the  
37 property at 8 Crampton Road which was the result of an error by the Listers. The motion passed 2-0.

38  
39 On a motion by Ms. McMains, seconded by Mr. Nulty, the Selectboard, the Selectboard adjourned at 12:55 pm.  
40 The motion passed 2-0.

41  
42 Respectfully Submitted,  
43 Todd Odit